MOHONK ADDRESSES

EDWARD EVERETT HALE

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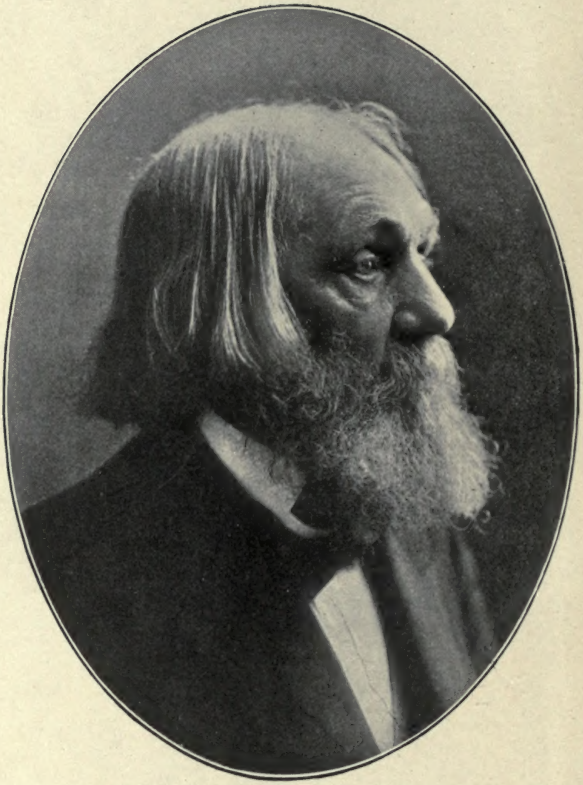

Edward E. Hale

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MOHONK ADDRESSES

BY

EDWARD EVERETT HALE

AND

DAVID J. BREWER

WITH INTRODUCTION

BY

EDWIN D. MEAD

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TO

ALBERT K. SMILEY

AND HIS COWORKERS IN THE

MOHONK ARBITRATION CONFERENCES

WHO ARE WITNESSING AND HAVE DONE SO MUCH

TO BRING ABOUT THE FULFILLMENT OF

DOCTOR HALE'S GREAT DEMANDS AND PROPHECIES

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INTRODUCTION

In the great movement for the peace and better organization of the world, the commanding cause of our age, no man in America has rendered more conspicuous or influential service during the last twenty years than Edward Everett Hale. He was peculiarly the prophet of that special line of action, culminating in the Hague conferences and courts, which has distinguished the last decade and made it the most significant and decisive single period in the history of the peace movement. More clearly, more constantly, and more convincingly than any other of our leaders he insisted, from 1889 on, that the reign of peace and the reduction of the world's monstrous armaments could come only with adequate international organization and the creation of a judicial system, which should gradually win the confidence of the nations, to supplant the existing war system. He had no trust in makeshifts and improvisations to meet critical international crises; and when others talked of arbitration treaties and arbitration commissions, he talked of a permanent international tribunal. His speeches upon this subject in the first three Mohonk conferences on international arbitration were what gave to those conferences their chief distinction. The First Mohonk Conference was held in 1895, three years before the czar issued his rescript calling the First Hague Conference; and the year when this latter conference met (1899) was marked by perhaps Dr. Hale's most pregnant and

powerful utterances at Mohonk. His association with the Mohonk conferences, to which at the beginning his prophetic and constructive words so largely gave direction, was altogether so memorable that all who have been interested in the great work of those conferences in these sixteen years will welcome this effort to bring together into one volume all of his words spoken there. Present at the first conference in 1895, he was present at eight of the thirteen conferences up to 1907, being absent in 1898, 1900, 1905, and 1906. More than once when he was absent the special greetings of the conference were telegraphed to him. In 1906, the year before the Second Hague Conference, he sent through another an appeal to the Mohonk friends for a strong protest against the mad naval rivalry:

> If our men at The Hague might only say that we will stop building more Dreadnoughts, if Great Britain and Germany are willing to say the same, if a clause to that effect can be got to the Senate from Mohonk this week [a bill for naval increase was then pending], that will turn the tide; that, I believe, will be the historical rock at the end of the war fury.

This was the uppermost question with him at the last; and his final Mohonk word — his last attendance was in 1907 — was one of remonstrance that the platform of that year did not speak out upon the limitation of armaments as he felt the situation commanded. He died June 10, 1909, just after Mohonk had in its platform spoken more strongly on this subject than ever before. He was eighty-seven years old; but as Dr. Channing was "always young for liberty," so Dr. Hale was always young for international justice; and the great cause held his throbbing heart to the end. Nowhere was he more sincerely mourned than at the Mohonk conference following his death, among whose

attendants were still some of those who had heard him thunder his demand for a permanent international tribunal in those great speeches in 1895, 1896, and 1897.

I have said that from 1889 Dr. Hale had been persistently preaching the organization of the world. But the subject enlisted his attention long before that. As early as 1871 he published in his magazine, *Old and New*, an article entitled "The United States of Europe," [1] which was mainly a study of the "Great Design" of Henry IV, pleading, in that critical period following the Franco-German war, for a new effort for a United States of Europe, which should coöperate with the United States of America to bring about a united world.

> If the great man of Europe, whoever he may be, speaks that great word and lays the plans for that great harmony, may not this land of ours, which has given the great example, do more than any land to make real the sublime idea? Our statesmanship, our policy, our international science, — they have no object at this moment so noble, nay, they have none so real, as the advance, by one of the great strides of history, of a permanent peace among the states of Christendom.

It was just a generation, as men reckon, from 1871 to 1904, in which latter year the Thirteenth International Peace Congress, the largest of all the international peace congresses which have yet been held, met in Boston, Dr. Hale's own home city. At the consecration service at Symphony Hall, on the Sunday evening in October immediately preceding the opening of the congress, the responsive reading was conducted by Dr. Hale. No other choice could have been so fitting for that service; and perhaps no other words could so well emphasize the aspect of the peace cause

[1] This article is reprinted in the appendix to the writer's edition of "The Great Design of Henry IV," published by the International School of Peace.

which he so conspicuously served as the opening words of that responsive service: "God reigneth over the nations; he hath prepared his throne for judgment." Judgment — justice — is a word that he loved better even than peace. "International justice" was the definition of the aim of a little group which he organized in Boston a few years before his death to promote the interests of universal fraternity; and a regular Committee of International Justice was organized in his Boston church about the same time. He said that no Christian church to-day should be without such a committee, to bring international needs and duties regularly to the attention of the congregation. He believed in peace primarily because he felt so deeply that the present war system of nations is monstrous injustice, never determining which of two fighting nations is right, but simply which is the stronger.

International justice was the dominant concern of his last years. It would be hard to say what good cause he did not help during the late winters of his residence in Washington as chaplain of the United States Senate; but the cause of international arbitration and peace was there, as in Boston, nearest his heart. He was always in close touch with the strong international men at Washington, in Congress and out of it; and there were few weeks in which letters did not come from him to the Boston workers, reporting progress and giving counsel. Were he Senator Hale instead of Chaplain Hale, he could not have felt more responsibly anxious to guard the country from the mischiefs of the extravagant indulgences in the battleship furor. He kept in touch with peculiar sympathy with the work of Mr. Foster, Mr. Root, Mr. Burton, and Mr. Bartholdt; and he noted with constant gratitude Mr. Bryce's

use of his high position to promote not only right understanding between America and Great Britain, but good will among all nations. He saw clearly that the logic and imperative of the Hague conventions, to which the United States was a party, are in behalf of the limitation and gradual reduction, certainly not the increase, of the burdensome armaments of the nations, now vastly more a provocation and a menace than a defense. The decrease of the machinery for the arbitrament of the disputes between nations by battle should keep steady and regular pace with the increase of the machinery for their arbitrament by law and an international tribunal, until the war system of nations is entirely supplanted by the judicial system. The development of this international judicial machinery in the last ten years has been so great as to be almost revolutionary. The world, meantime, according to Dr. Hale's brave and inveterate optimism, is growing steadily better, and not worse; the United States, with its ever developing and practically unlimited resources, is vastly stronger, and therefore safer from attack, than ever before; the adoption of the Drago doctrine by the last Hague conference, relieving us so largely of our fancied responsibilities touching South America, and many other things have combined to lessen our dangers; and therefore we are without excuse in not leading the world in a policy of steady and rapid reduction of armaments. To talk of actually increasing the number of our battleships is, as in the case of any great nation which does it, faithlessness to the first principle of the action at The Hague. This was Dr. Hale's simple, manly, and strong philosophy; and he preached it with all his might every day of every week, and nowhere more earnestly than in those last winters at Washington.

It was in Washington that many of his most eloquent and impressive words in behalf of the peace cause were spoken. I remember his presence on two successive days in January, 1904, at the convention of the friends of international arbitration, under the presidency of Hon. John W. Foster, to promote treaties with Great Britain and other nations, and at the meeting to start the American organization for the International Peace Congress which was to meet in the United States the next autumn. The convention was memorable for the resolution, reported by Judge Gray as chairman of the resolutions committee, and unanimously adopted by those two hundred leaders of our international thought, urging that in the proposed treaties every dispute whatever, without reservation, should be referred to arbitration. At the convention's public mass meeting in the afternoon, at the Lafayette Square Theater, our " grand old man " made the most ringing speech that was made. At the meeting in the interest of the Peace Congress the next day, his presence stood for what has been most prophetic in the movement, as that of Andrew Carnegie, who sat near him, stood conspicuously for the condemnation now being pronounced upon the war system by the world's great men of business and affairs.

Dr. Hale was the Nestor of the peace cause in America; and his death prompts reflections not only upon his remarkable addresses at Mohonk, which are here brought together, but upon his whole long and useful service for the cause. I think, as I review that work, though, as I have shown, it was far from the first service, of his part in the series of meetings held in Boston in the spring of 1899, devoted to the subject of the organization of the world. The meetings were for the express purpose of arousing American

interest in the then approaching peace conference at The Hague. They were arranged by the Massachusetts Good Citizenship Society, with which Dr. Hale himself had so long been identified, and which thus well declared international duty to be a prime factor in all good citizenship to-day. The various sides of the argument for "war against war" were presented on successive Monday noons by some of the leading men and women in America. At the opening meeting Dr. Hale spoke on "A Permanent International Tribunal." Most impressive was this first of the Boston meetings. A thousand men and women gathered in Tremont Temple at that noon hour. Chorley's solemn hymn, "Give to us Peace in our Time, O Lord," was sung; and Dr. Hale gave his stirring address. It was especially fitting that he should have been present at this first meeting and been its chief speaker. He had been for years the prominent prophet in America of the high cause in whose behalf the Hague conference was called; and in the critical months preceding the assembling of the conference he spoke oftener, and with greater force, in the interests of the cause than any other man in America, — I had almost said than all other men. He made a long tour among the large towns of the Middle States, speaking every night with a vigor and devotion at threescore and fifteen which put younger men to shame. On one Sunday he addressed in the morning a great congregation in New York; in the evening, one as great in Philadelphia. On the next Monday morning he was inspiring the Philadelphia editors to service; and one of the ablest and most devoted of their number, Herbert Welsh, wrote:

> Dr. Edward Everett Hale, the knight-errant of all things good, and especially of promising causes in present need of a defender,

stopped into our editor's room last Monday morning with a word in behalf of a project to which he is devoting several months of his valuable time. Dr. Hale is a lifelong reformer and enthusiast, but he does not suggest nor press on their course things chimerical, or that are without practical value. It is said of him that he has initiated or lent a hand to more good causes than any living man, and we can well credit the assertion. He is working now, in the evening of a long and fruitful life, with all the enthusiasm of youth, and with a superb negligence of himself, for a great project that is just as sure to come as the twentieth century dawns, — the establishment of an international law court. Just as certain as that the reign of law has spread its blessed influence over regions of human activity once dark and bloody with unchristian strife and discord is it that ultimately it will enter and control this last refuge of anarchy. The signs are evident that reason and justice and law will, in this international realm, supplant the awful arbiter that now determines too many disputes and crushes to the earth whole peoples by the weight of military preparation. But Dr. Hale wants to bring that happy day to the world sooner than it will come if he and others stay foolishly content with the present. It is a day that he may not, and probably will not, live to see. All the finer, then, is the picture of this grand old man, at a time of life when most of us lose faith in the future, or at least wish to be free from its burdens, serenely putting on his harness afresh in the service of a great cause. Where he leads surely there will be many to follow.

It was in the same spring of 1899 that Dr. Hale started his little weekly paper, *The Peace Crusade*, which he kept going indefatigably until the Hague Tribunal was an accomplished fact. The half dozen of us whom he pressed into service to help him will never forget those weekly meetings in the dingy Bedford Street office, which he made so fruitful and inspiring. It was often a puzzle to me how his bills were to be paid; but some angel of the treasury seemed always to turn up in the pinch; and he had a quite Galilean serenity and confidence that, so long as he was "about his Father's business," the morrow would somehow take care of itself. From that time to the

end he made the peace cause the most prominent one in his little *Lend-a-Hand Record*. Sometimes almost the entire number was given up to it; and latterly he sent out monthly broadsides full of material concerning the cause to hundreds of the newspaper offices of the country. I sometimes wondered how many, even of his dear Boston friends, realized what an immense work he was constantly doing in this field.

For years before 1899 and before the First Mohonk Conference, Dr. Hale had been the conspicuous preacher in America of the gospel which the Hague conference met to put into practice. In the spring of 1889, just before the celebration of the centennial of the inauguration of Washington, he preached a sermon in the city of Washington on "The Twentieth Century," in the course of which he uttered the following significant prophecy of a permanent international tribunal:

> The twentieth century will apply the word of the Prince of Peace to international life. The wisdom of statesmen will devise the solution, which soldiers and people will accept with thankfulness. The beginning will not be made at the end of a war, but in some time of peace. The suggestion will come from one of the six great powers. It will be from a nation which has no large permanent military establishment; that is to say, it will probably come from the United States. This nation, in the most friendly way, will propose to the other great powers to name each one jurist of world-wide fame, who, with the other five, shall form a permanent tribunal of the highest dignity. Everything will be done to give this tribunal the honor and respect of the world. As an international court it will be organized without reference to any special case under discussion. Then it will exist. Its members may prepare themselves as they choose for its great duty. Timidly at first, and with a certain curiosity, two nations will refer to it some international question, not of large importance, which has perplexed their negotiations. The tribunal will hear counsel, and will decide. The decision will be the first in a series which will mark the great victory of the twentieth century. Its simplicity,

its dignity, and its good sense will commend it to the world. Again it will be clear that those who look on always understand a game better than the players do. That first decision will be accepted. The next question may be of more importance, the next of even more; and thus gradually the habit will be formed of consulting this august tribunal in all questions before states. More and more will men of honor and command feel that an appointment to serve on this tribunal is the highest human dignity. Of such a tribunal the decisions, though no musket enforce them, will be one day received of course. It will be as to-day, in any states of America, the great decisions are received of that great American court, indeed supreme, from whose methods the great tribunal of the new century will have to study its procedure.

Now does any one ask what right we children of the nineteenth century have to make such prophecies? It is enough to answer that they do not approach in audacity the boldness of any prophet who should have spoken one hundred years ago, had he proclaimed what we all know is true to-day. The confederation of the world which I have prefigured does not approach in difficulty and improbability the union of the American states, which has been welded by the heat and light of one hundred years, and by their blows as well.

It was from Russia, and not from the United States, that the proposal which resulted in the First Hague Conference actually came. It is worth noting here, however, that the first definite proposal of such a conference did come from an American democrat, and not from a Russian czar. It came from the Massachusetts Peace Society in 1816, in the form of a memorial to the President of the United States, written by William Ellery Channing. Twenty years later William Ladd was making the same proposal yet more definitely; and twenty years later still Elihu Burritt was preparing to make the plan familiar to the peace workers of Europe. "The American plan" the European workers called it popularly for a decade; and that old "American plan" covered every cardinal feature of the Hague programs of our own day.

The words of Dr. Hale's 1889 sermon were remembered at the International Arbitration Conference which met at Washington in the spring of 1896, and were read by Senator Edmunds, the president of the conference, — as he was of the Mohonk conference the same year, and again in 1897 and 1899, — as a remarkable prophecy of the things for whose promotion the conference was assembled. Dr. Hale sat on the platform as his prophetic words were read. He lived to see his prophecy far on the road to fulfillment. The World Court is a fact. Treaties of arbitration between the United States and many other nations have been ratified. It is, indeed, disappointing that we should not have the honor of being a party to the first general arbitration treaty. That honor belongs to England and France. But arbitration treaties between the various nations are now multiplying rapidly; and in this movement the United States, whose course in connection with the Hague conferences and the Hague Tribunal has been so noble and efficient, has played no inferior part. We were one of the parties to the first case sent to the Hague Tribunal, and it is right to say that no other nation did so much to bring the tribunal into successful operation. Let us now lead — this is what Dr. Hale would say — in a movement among the great powers for unlimited treaties, pledging reference to The Hague of every difference whatever not settled by diplomacy.

It was half a dozen years before the Washington conference of 1896 — it was while the Pan-American Congress of 1890 was in session — that Dr. Hale published an important article, the first clearly outlining his plan of a permanent court of arbitration, with specific reference at the time to the republics of North and South America.

The significant passage of the article is the following; and it is noteworthy that what he here suggests for the western world is almost exactly what he was presently suggesting for the world as a whole, and what the Hague conference of 1899 began to realize:

The meeting of the American congress has no object so important as the establishment of a system of arbitration as to any question which may arise between the different states of North and South America. It is too much forgotten that an essential part of the prosperity and success of the United States as a nation is the system by which questions between the states are adjusted. Many a contest between neighboring and rival states has been adjusted by the Supreme Court, while most of the citizens of each state did not know that there was any question. Thus the Supreme Court adjusted a boundary question between Massachusetts and Rhode Island, of more importance than many boundary questions which have plunged Europe into war; and it would be fair to say that half the people of both states did not know that there had been any controversy. It is not enough for the congress to vote that in the future questions of dispute shall be referred to courts of arbitration. When questions assume importance, after they have been neglected, and when they have had a chance to grow in consequence, it may be too late to constitute a proper court of arbitration. The demand of our time is that a permanent court of arbitration shall be appointed at once, and shall be in readiness to receive all such questions as soon as they arise. Indeed, it may be possible for such a court to give such counsel as shall solve the question at its very birth. The court should exist and hold its sessions from time to time, ready to receive inquiries and to solve doubts as to international law, and ready at any moment to hear an international question as soon as it arises.

Such a court should consist of statesmen and jurists of the highest rank, — men who have distinguished themselves before the world by their equity and wisdom in public affairs. Its establishment should be on such a scale of dignity, and the powers conferred on it should be so high, that even a justice of the Supreme Court of the United States should feel honored by an appointment to serve on it, or such statesmen as John Quincy Adams, after he had left the presidential chair. It should meet quarterly, at least, for regular sessions, now at

one of the cities of North America, now at one of South America, as convenience might order. There is no reason, indeed, why it should not meet in Europe or in one of the West India Islands. It would have permanent clerks and reporters of its decisions. At first, probably, no questions would be referred to it, except, perhaps, a few trifles of form. But it should be required to publish from time to time opinions in the line of *obiter dicta*, its members devoting themselves exclusively to the study of international law and the study of such principles as shall bring in the reign of justice among men. The several states should have a right to submit to it, in advance, questions as to public policy as governed by international law; and to such questions it should give immediate attention, and return short rescripts in the form of practical answers.

Before such a tribunal, sooner or later, two states, in contest with each other, would bring the subject of their debate. The court would hear them by counsel, and would give its decision. To enforce that decision, it is perfectly true, it would not have a musket nor a ship. But the moral weight of its decision would be absolute. No state in America is so strong that it could stand against it. The legislation of every state and its conduct would, sooner or later, comply with the court's decision. Take, for instance, the question now existing as to the preservation of seals in the northern waters. No nation concerned wishes to do wrong in the matter. No intelligent person wishes to see this race of animals annihilated. It is a subject eminently fit to be presented to such a court, that it may say what the laws of nations, or the eternal justice, would command in that affair. And England, Canada, or the United States would have to obey the decision.

The manner of composing such a court is rather a matter of detail. Our experience in the Supreme Court of the United States would suggest a tribunal of seven or nine jurists. They should be selected from the different nations, so that all parts of America might be represented, and authority might be given to appoint one or two "assessors" from the most distinguished jurists of Europe. The honors and emoluments of the court should be such that any man in the world might be proud and glad to hold a place in it. The judges' salaries should be paid from a common treasury established for the purpose. This treasury should be kept full by contributions assessed on the several states, in proportion to their wealth or population. It is difficult to estimate the value of such a tribunal in its everyday duty of working on the international law of the world and

answering its demands. And, so soon as one of the exigencies arises which create wars between nations, its worth would be more than can be told.

As one reads these words of 1889 and 1890, half a dozen years earlier than the famous speeches at Mohonk, one is impressed by the remarkable definiteness with which Dr. Hale had thought out the scheme of an international tribunal. It is to be noted in the first place — and the same is to be remembered in reading the Mohonk speeches — that he is thinking of a real court, much more like the Court of Arbitral Justice, which our Secretary of State is at this moment trying to bring into existence, than like the Arbitration Tribunal at The Hague. The half dozen great powers are to unite in establishing it. Dr. Hale is as sure here as Mr. Root afterwards, as sure as Justice Brewer declares himself in the Mohonk speeches reprinted in the following pages, that the Supreme Court of the World, once established by the world's decree, will not need, to enforce its decisions, "a musket nor a ship"; that the moral weight of its decisions would be decisive, the public opinion of the enlightened world all the sanction and coercion which it would ever need. Throughout, also, we have that thought of the United States Supreme Court as the prototype of the International Court, our federal republic as the prototype of the federation of the world, which is so dominant and pervasive in the Mohonk speeches afterwards.

The platform of the First Mohonk Conference, in 1895, was a general declaration in behalf of international arbitration and a particular declaration in behalf of an arbitration treaty with Great Britain. The second conference, with an attendance twice as large as that at the first conference,

met a few weeks after the Washington conference of 1896, and was a meeting in many respects equally impressive with the great meeting at Washington in April. The conference, in its platform, made a great advance, directly inspired by Dr. Hale, and submitted that the matter of international arbitration should not be left to casual and temporary provision, incident to separate cases as they might arise, but that there should be established, to meet the world's new exigencies, the permanent tribunal.[1] This, as we have seen, was what Dr. Hale had proposed not only at the First Mohonk Conference, but in the Washington sermon of 1889 and the article of 1890, and what he kept on proposing with iteration and reiteration on every occasion and by every means — speeches, sermons, magazines, newspapers — for the next ten years, until the First Hague Conference met. He proposed it at Mohonk in 1895, in the speech which was the notable event of that First Mohonk Conference; and he proposed it there again, with new emphasis, the next year, and the next. "A permanent tribunal! A permanent tribunal! A permanent tribunal!" — by this word, by this conception so clearly worked out, Dr. Hale proved himself the prophetic man in the movement, a movement so much more definite and determined than America or the world had ever seen before, — with the possible exception of that of Elihu Burritt, mentioned above, at the great peace congresses in Europe in the

[1] The platforms of the successive Mohonk conferences, from 1895 to 1910, are reprinted in the appendix to the present volume, as a significant illustration of the course of thought during these sixteen years upon the lines in which Dr. Hale in 1895 was the great pioneer. It will be noted in reading the following addresses how early and forcibly Dr. Hale emphasized the special need of enlisting the business men of the country in the cause — the first emphasis at Mohonk upon an effort presently made so prominent there.

middle of the century, and of William Ladd who inspired him, — for the substitution of law and order for war among nations, and specifically for an international congress and an international court.

Among the fifty or sixty members of the First Mohonk Conference was a distinguished judge of the New York Court of Appeals; and the report shows, and Mr. Smiley and the half dozen of that half hundred who still come to Mohonk will remember, the misgiving and doubt with which he commented upon Dr. Hale's glowing and confident prophecy. He had faith that a permanent tribunal would "sometime" be erected; "in process of time" it was the thing to be "aimed at"; but there were "many difficulties" in the way of its early realization. Another eminent worthy agreed that there must be a long "evolution" before we could hope to see what Dr. Hale demanded. "Dr. Hale," he said, "stands like one of the old prophets, looking far into the future." That was in 1895. I remember hearing one of our famous diplomats declare at Mohonk, after Dr. Hale's memorable speech in 1896, that it was "not probable that for many years to come the governments would accept any such ideal"; there was even "doubt if nations will ever agree to submit all differences" to arbitration. We heard another eminent diplomat declare the next year, of Dr. Hale's idea, that "it aims too high for our day." That was in 1897. In less than half a dozen years the Hague conference had been held, the Hague conventions signed, the Hague Tribunal established, and the first case before it decided, — a case in which the United States, as we have noted, was a party. This history is worth remembering by the skeptics about progress. The virtue of Dr. Hale was always his belief

that some things in this world can be done as well as others, that the things which ought to be done can be done more quickly now than ever before, and that our business is to set about doing those things without much talk or too much care as to how many years it will take.

There was no man who loved history and the past, loved celebrations of the right kind and of proper proportion, better than Dr. Hale; but there was no man so impatient of the lashing of dead corpses and wasting power in continuing fights already won. His famous motto was "Look forward, not back." He knew that several fights of a far-reaching character in the peace cause are now won. The fight for international arbitration has really been fought and won. A lot of work remains to be done around the edges: the scope of treaties has to be enlarged to bring them up to the demands of Mr. Foster and Judge Gray and Mr. Straus at the memorable Washington meeting of January, 1904, — and this is an imperative duty, the primary duty at this hour. But Secretary Root's treaties cover all cases which are ever really likely to involve possibilities of disputes between us and the nations of Europe, and all else in that field will naturally and speedily follow. The fight for an international court has been fought and won. The fight for an international parliament has been fought and won; the definite provision in the convention of the Second Hague Conference for a third conference settled that. As concerns both of these, also, important work remains to be done, and our State Department must have our constant and earnest support until all details are settled, and rightly settled. But our main energies are now released for the conflicts against the enormous armaments, against war loans to belligerents by neutral peoples,

in behalf of the inviolability of ocean commerce in war, and in behalf of "peace budgets." These are the really vital questions of the hour, compared with which the rest are of ever slighter importance, as all are on the way to settle themselves.

On these really vital questions Dr. Hale, as ever, spoke the prophetic and necessary word; and he always spurred the peace people to concentrate their energies on the things which now demand practical and resolute attention, and give little of their valuable time to talk about things already achieved. The speeches here printed bring out more than once his sense of the urgent importance of the immunity of private property at sea from capture in war. At Mohonk in 1907, his last presence there, he raised his energetic voice in behalf of the limitation of armaments, as, when that was where his voice was really needed, he raised it in behalf of a permanent international tribunal; and what he was chiefly trying to check at the last is the inordinate building of battleships. He sent a letter to the Mohonk conference in 1906, as noted above, urging a special protest against these dangerous excesses; and this, with emphasis upon the insidious influence of the men who make money out of the big navies, was the subject of his last personal letter to me, written the week before his death. For peace budgets — the positive, definite action of governments themselves, at cost, to promote the mutual understanding and good will of peoples whose relations might otherwise become strained — he was perhaps our earliest important spokesman. If you prepare for war, he said, you will get it; and if you prepare for peace, you will get that, — and it is a good deal cheaper as well as worthier to prepare for peace than for war. It will soon be a

disgrace to any civilized nation, he said years ago, to have a Secretary of War and no Secretary of Peace. He lived to see our own Mr. Taft declare how much he disliked to be styled Secretary of War, and to see a movement in England to supplant the term "War Department" by "Department of National Defense." His mind teemed to the last with schemes as to what peoples might do to promote fraternity and coöperation with each other when they once make up their minds to spend their money for really defensive and constructive things, instead of wasting their substance in the preparation of monstrous machines with which to scare and kill each other.

Numberless are the good causes and inspirations with which Dr. Hale's name is identified, and for whose championship we honor him; but he has no greater honor than that of seeing so clearly and proclaiming so constantly during the last twenty years what the world's supreme need was, and how it was rightly to be met. His place among the modern prophets of peace and the men who have helped to organize the world is a high one; and the peace workers who gather at Mohonk in the May days as the years go on, and the peace workers the wide world through, will keep his memory green.

The International School of Peace, in bringing Dr. Hale's memorable Mohonk addresses together in this volume and dedicating it to Mr. Smiley and his devoted associates, desires to express the deep sense of its founder and the editor of the peculiar service which the Mohonk Conferences have rendered in America for the cause of international arbitration and peace, whose multiplying triumphs at this hour are so great an inspiration; and it feels that there is no way in which it could more fittingly

express that obligation and gratitude than by this presentation of the words of the great prophet of peace, who at Mohonk early found fit audience and glad coöperation.

If those who have gathered at Mohonk in these later years were asked who, next to Dr. Hale, was the most impressive figure in the group which Mr. Smiley has summoned thither, I think that most would answer that it was Justice Brewer, whose death, by sad fatality, followed so closely that of Dr. Hale. He was among those who were invited to the first conference, but he was unable to be present. At the conferences immediately following, his strong indorsement of the idea of a permanent international tribunal was more than once referred to. The first conference which he personally attended was the tenth, in 1904, and he then came regularly until 1908, — five conferences in all. His first Mohonk speech, replying in a measure to certain apologies for the great navy which had been heard in the conference, was a plea to "keep ever to the highest ideal"; and this was the keynote to all that he ever said at Mohonk. His most important speech there was that of 1905. Touching briefly upon the awful cost of the military system, he dwelt chiefly upon the security with which, as the history of arbitration showed, we could rely upon public opinion as the sufficient sanction of international decrees, adding a powerful argument for nonintercourse as the entirely adequate instrument of coercion, should coercion ever be necessary. The example of our Supreme Court, the power of public opinion, the leadership of the republic in the reduction of armaments, — these were the things of which Judge Brewer always spoke. He appealed for chivalry and the higher risk. "There is no

danger to this country. We can stop our military and naval armaments to-day with perfect safety." He wished that Mohonk platforms might be bolder on this urgent question. "I believe," he said in 1906, — and he spoke to the same effect in 1908, in his last Mohonk speech, — "that it would have been wise to make a distinct declaration that this nation should take the lead in the limitation of armaments, and then go before the next Hague conference and say, 'We are doing it — follow in our footsteps.'"

The next year, 1909, Justice Brewer delivered before the New Jersey State Bar Association an address upon "The Mission of the United States in the Cause of Peace,"[1] which is perhaps the most important address which he ever gave upon the peace cause. Never were the great opportunity and obligation of the United States at the present critical juncture in human history more solemnly set forth. Those who remember Justice Brewer's speeches at Mohonk feel often, in reading this latest and greatest address, that it is informed by the same spirit and proceeds upon the same lines of thought as those speeches; and its last word, like the great advocate's last word at Mohonk, is a tribute to the new and larger influence of woman in human society, and a prophecy of the mighty results which that influence will exert in behalf of the peace and brotherhood of nations.

Justice Brewer died March 28, 1910, two months before the Mohonk conference of the year, as Dr. Hale died the month after the conference of the year before. It is fitting that his few brief speeches at Mohonk should be brought together in this memorial volume along with the famous

[1] This address has been published by the International School of Peace in pamphlet form, and will be sent to any person applying for it.

speeches of Dr. Hale. United in Mohonk memories by their deaths so close together, by their impressive personalities, and by their common devotion to the great cause for which Mohonk preëminently stands, their names are here linked together chiefly because they stood for that high cause in the same prophetic way, looking ever to the things which are before, hoping all things and believing all things. It is because alike they scorned the scorner and hated the unheroic, because their every word was a summons in trumpet tones to new advance, that the record of those words is sacramental, and that, being dead, they still live and speak.

EDWIN D. MEAD

BOSTON, MASSACHUSETTS

NOTE. The first two addresses in this volume are included in the sixth volume of Dr. Hale's complete works, published by Messrs. Little, Brown & Company, to whose courtesy we are indebted for the privilege of their republication here. The same volume contains the address by Dr. Hale on "The High Court of Nations," given at Cleveland in 1896; a paper upon "The Old Diplomacy and the Permanent Tribunal," first printed by the American Peace Society in 1899; and a sermon upon "The Emperor of Russia and his Circular," given at All Souls' Church, New York, in 1899.

MOHONK ADDRESSES

ADDRESSES BY EDWARD EVERETT HALE

A PERMANENT TRIBUNAL

(Address at the First Conference, June 5, 1895)

Mr. President, Ladies and Gentlemen:

The words which the president has just used are a good abridgment of my speech — a permanent tribunal. The illustration which Mr. Abbott used this morning is perfect; it cannot be pressed too far, — the illustration of the United States of America. The United States of America is the oldest, as it is the largest and most successful, peace society which the world has ever known. All these different societies of which Mr. Trueblood spoke this morning, however successful they have been, are utterly inferior to the remarkable association known as the "United States of America." Beginning with thirteen independent states proud of their independency, having very strong grounds for alienation from each other, and including afterward the acquisitions from Louisiana and from the Spanish territory, — acquisitions which mix the Latin race with the Teutonic race and bring in the Catholic religion to mix with the Protestant religion, — in the face of all the difficulties which such a condition of things presents, you have the extraordinary spectacle of one hundred and six years of peace broken only by the calamity of the Civil War. That calamity may be considered separately, and if properly

considered it is itself an argument, and a very strong argument, in the line which we are pursuing. Leaving that out, speaking of the hundred and one years of perfect peace which have been preserved, beginning with thirteen different states and coming down to forty-four, you have the most remarkable history of peace in the world since the reign of the Antonines. And the great principles which are laid down by such writers as William Penn, and by Henry IV a hundred years earlier, whose "Great Design" for the same purpose is almost word for word the design of William Penn, — these principles may be illustrated to the letter by anybody who chooses to study the history of the United States of America.

It is perfectly true, as was said this morning, that this is done so peacefully that nothing gets into the histories. That is the general rule for a history, to leave out what is important and to put in what is unimportant if only it be noisy. It would be a matter of surprise in most schools, and perhaps in most colleges, if you should say to them that in one hundred and five years there have been thirty or forty conflicts between states in the American Union, which, under any other circumstances, would have been adjusted by shock of arms. We had between Massachusetts and Rhode Island, in the year 1841, I think, a boundary contest of a difficulty quite equal to the boundary contest of which the newspapers are full now, between the Central American states. Here were two independent states, with an absolute difference. The question was submitted to the Supreme Court of the United States, it was settled by the Supreme Court of the United States, and I do not believe that at the present moment there are fifty men or women in the state of Massachusetts or in the state

of Rhode Island who know what the question was, or would be prepared to give any intelligent account of a matter which, under any other system, would have brought the troops of these two states into collision. This is one illustration out of a great many. There was a similar question between the state of Missouri and the state of Iowa as to their boundary, — a question which perhaps made rather more mark upon national politics. There have been countless questions with respect to the jurisdiction of states, but the Supreme Court does its work so quietly that they do not get into print. It is every now and then announced by European writers, with the most extraordinary fanfaronade, that there is such a court; it takes them entirely by surprise. Our English friends, when they travel here, call the President of the United States the "ruler" of the United States. He is not; the people of the United States is the ruler of the United States. We have had lately a very striking instance of the way in which the Supreme Court is virtually at the head of the government of America.

Now why was not Henry IV right when he said there might be the United States of Europe? Why might there not be a permanent tribunal which could be called into session at any moment, and which could have the questions referred to it which are now referred to war? I was glad that little conversation took place just now with regard to the word arbitration. I think all of us who have come here have come supposing that the word was interpreted in the larger sense in which it comes into literature. There is a good New England phrase, "Leave it out to men." When a couple of farmers have got into a discussion as to whose ox gored whose cow, and they feel afraid of the lawyers and do not want to go to the county town, they

say, "I guess we 'll leave it out to men." So one names Mr. Jones, and the other names Mr. Black, and they two name Mr. White, and then the three hear the whole story, and they settle it. We have a home habit of calling that "arbitration"; and that is the scheme which has brought about seventy-seven arbitraments since the year 1815, — and a very good scheme it is, if you must create a court for the immediate occasion. But the world on the whole, in affairs of business, has got beyond the method of making a court for every separate occasion. It has found out, for many reasons, that it is better, instead of having Mr. Black and Mr. White and Mr. Jones engaged for that particular occasion, to have some people used to deciding cases, — to have a court which, by the correctness and purity of its decisions, year in and out, gains the confidence of all the people engaged; to have a court preordained, if one may say so, made long beforehand, without the possibility of the judges being selected with reference to the particular matter which they are to decide.

And so I want to urge, first, second, last, and always, a permanent tribunal. That is the thing which, if I may use the expression of the street, must be "rubbed in" to the public mind. You really do not advance much on the present condition of affairs until you can get the governments of the world to see that it is a great deal better to appoint one permanent tribunal, — I shall say those words a hundred times before I have sat down, for I wish that people may dream of it at night and think of it in the morning, — one permanent tribunal to sit for a hundred years, — than to have to make a new tribunal for each particular case. It is exactly as my young friend who went out on a bicycle ride this morning was glad he had the

same bicycle he rode on yesterday, instead of being obliged to go and make a bicycle for himself. He was glad to have a permanent bicycle, made by people who understood how to make them, and to use the same bicycle all through his travel.

This was considered, in Henry IV's time, as somewhat visionary, though he came very near carrying the plan out. In the time of William Penn, a hundred years afterwards, it was still considered a dream, an ideal. But a hundred years after William Penn, comes along the United States of America, tries the great experiment, and it succeeds; and seventy millions of people, in forty-four states, are now living under the success of that experiment. Nobody dares any longer say that it is dreamy or poetical or visionary, because it has succeeded better than the "dread arbitrament of war," better than the experiments of diplomacy. It has turned out that a permanent tribunal in the United States has wrought the success which no other experiment that has been tried has wrought. So we are, if I again may use the language of the ungodly, "on the inside track," and the burden of proof in this argument is on those people who want to make a separate court every time there is a quarrel.

I should like to go into the realm of imagination a little as to the future in this matter. You would appoint your court, and your court would *exist*. You would not say, "This court is appointed for the purpose of determining about the seals," or "about the indemnity which Nicaragua owes to Great Britain"; you would say, "This court is appointed to *exist* as a permanent tribunal." I should say that a good plan to begin with would be for the six great powers to name each a jurist of the highest

rank in jurisprudence, precisely as the President now appoints a jurist to the Supreme Bench of the United States. It should be the highest honor to be given in the service of each of those powers. This gentleman should be named to sit as long as his health permitted, or to retire, if he pleased, at a fixed age, with an honorable pension. The honorarium to be paid to him should be of the very highest, and the dignities of his position should be of the very noblest. This court of six persons, appointed by the six great powers, might then name six "assessors" with themselves, from the smaller powers of the world, so that they might have a court of twelve persons, not too large for consultation, and at the same time the susceptibilities of every one of the powers might be met by more frequent changes among the assessors, as I call them, than among the original six. I would have the vacancies in the six filled by the powers who originally appointed them.

This court would *meet*. It would be a great thing to have it meet, — after the world had been in existence six thousand years, or six hundred thousand, as you take it, to know that six men of conscience, religion, and integrity were sitting somewhere for the purpose of finding out the living truth on the practical questions which came before the world. This court would sit, first in London, then in Paris, then perhaps in Rio Janeiro, or Washington, then in Berlin. I do not say the whole twelve would meet, but a sufficient quorum would meet. I know very well that at first these states would be very slow about bringing their questions to the diplomatists. But there would come along some question, say as to whether the whole race of seals should be annihilated, — a question that nobody understood; and they would say, "Here is this ornamental

court, let us leave it to them." The court will decide it, it would decide wisely, and the public opinion of the world would confirm the opinion of that court.

There would be no talk of resistance. This is precisely the point where the theorists find fault with any such statement. William Penn, as our friend said, was obliged to imagine an army behind. Has the presence of the United States army been needed to enforce the decision of the income tax? Was a file of soldiers necessary anywhere to compel agreement, in the decision that I speak of, between the state of Massachusetts and the state of Rhode Island, — did it require even a sergeant or a corporal? Not at all. It is just as when Colonel Scott aimed at the coon; the coon said, "Don't waste your powder, Colonel, I'll come down." The coons of this world know when a decision has been made. There has not been necessary, in the whole course of the jurisdiction of the United States between state and state, the burning of one ounce of powder to enforce a decision which the Supreme Court made, so certain was it that public opinion would confirm its decisions.

Now compare this with the decision made even by as respectable a board of arbitration as that which met at Paris, which proved not to understand the subject at all, and which has decided it in such a manner that all the seals are being killed, and there will not be any left for another arbitrament. Under such circumstances you name people who are not used to sitting together as a court, you have a court about which it is very doubtful how it is to get its witnesses together, a court creating the law which it is to administer. In place of that, by a permanent tribunal you are gradually forming a body of international

law all the time. For the first time since the days of the Antonines, or perhaps since Adam and Eve, there is somebody to say what international law is, instead of its being left for professors of colleges to write about. There will grow up a body of law from the decisions of this permanent tribunal, and to the decisions of that court everybody will be disposed more and more to submit. There was growling about submission to the Alabama decision, there was growling about the murder of the seals; but there has been an eager assent to every decision made by our Supreme Court.

I will not go into further detail with regard to a proposal which I have confessed to be imaginary. I do think, however, after a discussion which has lasted nearly a hundred years, it is quite necessary that this country, if it means to make any proposal at all to the other nations of the world, should come forward with a practical and definite proposal. It is not enough to sing,

> "No war nor battle sound
> Was heard the world around."

This thing is not to be settled by singing. It is going to be settled by a hard-and-fast system, laid down in consequence of historical precedents, and in such a way that it may command the attention and respect of the practical people in the world. And with that remark, and a single illustration, I will not try to hold your attention any longer.

It is to be observed that the passion for war is not a passion of the men who create the wealth of the world, or who are the really important people in the work of the world. Merchants never want to make war, the persons who pass from country to country never want to make war,

scholars never want to make war. War checks the real progress of the world in invention, manufacture, trade; and all these demands for war which Mr. Abbott alluded to this morning are superficial. The real workers and thinkers are always opposed to war. It is the loafers, the people who wait for something to turn up, those who think they would like to enlist in the armies, the people who are supposed to make public opinion but who really follow public opinion, who make wars popular at the beginning. And it is the steady dislike of people to being killed and to having their brothers killed, to spending money in taxes, to having their ships taken at sea, which always makes war unpopular when it comes to an end. We may be quite sure that if we can propose a practical system which will commend itself to practical men, we shall go into any discussion of the subject with a good working force behind us.

Dr. Austin Abbott (at the fourth session of the 1895 conference): The Business Committee recommends that the following resolution, offered by Dr. Edward Everett Hale, be placed upon the minutes of the conference, and that a committee of three be appointed by the Chair, to consider the subject in detail and report at the next conference.

Resolved, That the President be requested to invite the governments of Austria, England, France, Germany, and Russia to join with the United States in the establishment of a permanent tribunal of the highest character, to which may be submitted from time to time, for arbitration, questions arising between those powers.

The recommendation of the committee was adopted, and the committee appointed as follows: Dr. Austin Abbott, Judge Robert Earl, and Hon. George S. Hale.

A PERMANENT TRIBUNAL

(Address at the Second Conference, June 3, 1896)

Mr. President, Ladies and Gentlemen:

I am sure we all feel how much the growth of public spirit in the English-speaking countries has been led and helped by the great poet who wrote "Locksley Hall."[1] To have had these words spoken as pieces, written in schoolgirls' albums, for sixty years, has been a great advantage to the public sentiment of our race. But we will remember too that they were written sixty years ago, and that when the great practical man of our time speaks, what he asks for is a supreme court of the nations, and no longer a "parliament of man." As Judge Brewer said so well, quoting an epigram which was older than himself, "We have too many parliaments, and we do not have enough courts." What we are after here is not a parliament of peace; it is a supreme court of the nations; it is a permanent tribunal.

The analogy is so absolutely perfect between the condition of the world now and the condition of the thirteen states of America just a hundred years ago, that we cannot repeat it too often. The great victory of the United States Constitution is not in the establishment of the federal Congress, not in the establishment of the executive; it is in the establishment of a Supreme Court — supreme above the President, as he and his Secretary of the Treasury

[1] Tennyson's lines had just been repeated by Dr. William A. Mowry at the close of his address. — *Editor.*

have found out within the last year; supreme above Congress, as Congress has found out a hundred times; an absolutely supreme court, before which all questions shall be heard. We are here to consider what are the things to be done in the establishment of such a supreme court between England and the United States, and eventually between the nations of mankind.

I was particularly interested, as Dr. Abbott read the well-condensed and vigorous questions which he wants to hold us to, to observe that the rather vague word "arbitration," which figured here twelve months ago, does not occur in the five points submitted to us to-day. This is not an assembly simply to protest against war, — to say in any vague, sentimental way that it would be a good thing if people would not quarrel, and if, when they do quarrel, they would leave it out to their neighbors. It is an assembly to bring about a permanent tribunal to which the affairs of the nations shall be referred. In the little I shall say, I shall follow absolutely the analogy of the Constitution of the United States.

When Mr. Jones and Mr. Thompson have a quarrel, and Mr. Jones selects Mr. White, and Mr. Thompson selects Mr. Black, they get together in the parlor of a tavern, and they ask Mr. Green to come in and be a third, and so it is "left out to men," as we say in our happy New England phrase. Then there comes up the question, What is the law by which it is to be administered? And one says he will have it administered by the law of eternal justice as set down in the Book of Deuteronomy; and another says it shall be administered by the law of the state of Connecticut, and not by the law of eternal justice. There is no code for the case. Then they want to get witnesses,

and the men send over to South Goshen by the stage-driver, and ask him to ask the man if he will come. And the witness says he won't come, and that is the end of that.

The founders of the American Constitution understood this thing absolutely. They were going to establish a Supreme Court of the United States, and they have established it. I have lived through times when the state of Massachusetts did not love the Southern government of the United States very much, and when it blocked the wheels of that government in every way it knew how. It refused to fly the flag of the United States on the State House; it passed a law that no jail or other building of the state of Massachusetts should receive any prisoners confined by the United States courts, that there might not be any fugitive slaves put into one of our jails. What did the United States do? It said, "Pass what laws you choose. Our marshal will get a room tight enough to lock up a fugitive slave." And their marshal did do it, and we could not help ourselves. That is to say, the Constitution of the United States foresaw the probability of the individual Mr. Black or Mr. White not proposing to agree to this arbitration; and the Constitution of the United States established, not a court of arbitration, but a Supreme Court over the thirteen states of America. And that Supreme Court has been supreme from that hour to this hour, excepting in one miserable instance due to the cowardice which left slavery outside of its jurisdiction, because of which we were involved in four years of civil war.

A senator, whom I have heard quoted, says that no nation will willingly submit a question of boundary to the Supreme Court. All I know is that the thirteen states, which were nations at the moment, did submit their questions of

boundary to the Supreme Court of the United States again and again and again; I think there are nearly forty instances where questions of boundary have been decided by the Supreme Court. I referred here a year ago to a question of boundary between Massachusetts and Rhode Island, which was decided by the Supreme Court; and I do not believe that there are fifty persons in Massachusetts who know where those disputed boundaries were, which were thus decided sixty years ago.

The very first question which was brought before the Supreme Court was the question whether a state might be sued in its own courts by one of its own citizens. The Supreme Court decided squarely that it might be so sued, and it was necessary to bring about an amendment to the Constitution to prevent that action, which was thought at that time to be undesirable. But the states have, one after another, granted that privilege; and even the United States, in the Court of Claims, is virtually sued by its own citizens.

JUDGE EDMUNDS: And also now in the judicial courts.

DR. HALE: Such is the steady progress of the determination to do this. What we want is a tribunal which shall have the power to lay down its own methods of procedure. I do not care whether this tribunal is of four men or six or thirteen. In my judgment it ought to be a body of students, informing us from time to time what international law is and what it is not; what the authorities on international law have, on the whole, determined upon; what the treaties of the world have established as international law. I believe if you were to establish such a tribunal to-morrow — and my friend on the left (Judge Edmunds) would of course be a member of it — it might be well employed for the next two, three, or five years in

giving, from time to time, its *dicta* as to what the law of the world is on privateering, what the law of the world is on hospitality, what the law of the world is on a hundred points on which the writers on international law have written and which may be said to be really decided. It would be the first business of such a court to state in general to the world what were the authorities which it looked upon with respect, and on what authorities it did not look with such favor.

Then, one fine day, there would come along a quarrel. It might be a question like that very funny question as to what is the River St. Croix, or like our question in Massachusetts, what waters belonged to Charles River. Or the question might be whether the captain of an English schooner lying in the Bay of Gobblegobble in the southern part of Africa should or should not have slapped in the face the captain of an American schooner which had laths on board; — one of those highly important questions which have again and again brought on wars might be submitted to this international court, because it was such a little question that the army and navy did not want to bother with it, and "them literary fellers" might have the joy of it. And the court would decide it. It would decide it wisely, — so wisely that it would command the respect of the world. And then might come along the question whether a whole race of inoffensive animals like the seals should be demolished or not; or whether certain swamps and marshes and malarial beaches between one nation and another on the South American coast belonged to Nation A or to Nation B, or to nobody but the good God. The court might be left to settle such a question as that. Once give such a court dignity, once have it established,

established so that by day and by night it should be in existence, so that no question shall arise too suddenly to be submitted to it, and there is no fear but that the civilized opinion of the world would come round to it.

It should have power to state the general rules of its practice, and when and where it should meet, — I should suppose it would meet in different cities of the world from time to time. It should have power to call witnesses, to have its own marshals to get those witnesses into court. And the salaries and expenses should be provided by the most liberal gifts of the powers agreeing for this purpose. In these regards I am following absolutely the analogy of the Supreme Court of the United States. Compare all that with the working of these seventy arbitrations which have been described to us so well. You have a court of arbitration meeting in Geneva, and again in Paris. Each of them is a spectacle which angels regarded with pleasure. Each of them called together men of the greatest distinction, but men who had never seen each other before, men who had to be introduced to each other and whose reputations were not known before; men who had to determine in what language they would speak to each other; who, when they got together, had not power to call a witness from the other side of the street; men who had to take up the case without any rule of procedure as to what testimony should be admitted and what should not be admitted. It is a court worse, if I dare to say so, than an ecclesiastical court, and when I have said that I have got pretty near the bottom of human nonsense. It is a miracle that in the great tribunal which sat at Geneva, fading away like the mists of these mountains when its meeting was over, without any laws of procedure, without any standard as to

what should be testimony, they were able to get anything on which people could rely in the least, on which this high tribunal made the decision which they did make. What we claim is that, when you have a permanent tribunal, the rules which that tribunal adopts and the reputation which it has and the prestige which it gains in the world will carry the decisions of that tribunal where the proceedings of none of these courts of arbitration would ever pretend to go.

The truth is that now you lose all that you have gained in each one of these arbitrations. You fall to the bottom of your mountain every time, and then climb up again and say, "We have climbed up to this place seventy-one times before. Is n't that encouraging?"

The way to begin is to begin. It is not to talk about beginning. It is not to talk about the twentieth century; it is to act like the men of 1896, and begin to-day.

I believe that I was assigned to say what I thought was practicable at the present. I can say it in a very few minutes. When the Pan-American Congress met, — which was the greatest thing in the history of the last twenty-five years, and which two hundred years hence will be marked as such, — when those sixteen states met at Washington, under the masterly lead of Mr. Blaine, I had the honor to present to Mr. Blaine a plan for a permanent tribunal for the nations of America. Mr. Blaine was a statesman who would grasp any such idea, and he took the suggestion, which had undoubtedly been made to him by others, as one not in the least new to him, and he brought it before the private conference that assembled. The leading gentlemen of that assembly saw the importance of the matter; in particular, the representatives from Mexico. But on

considering what they could do and what they could not do, they satisfied themselves, as I remember some gentleman said here a year ago, that "it was not yet time" for a permanent tribunal, and therefore waited for a more convenient season, as a certain person waited in the Book of Acts, for whom it was not found that a more convenient season ever came. Accordingly they did not propose a permanent tribunal, but proposed a treaty of arbitration. And I should like to have the gentlemen who roll the word "arbitration" under their tongues too eagerly observe that nothing came from this proposal, and that not one of the sixteen states has ever adopted the form of the treaty which was brought forward. Whether it were the best thing to be done or not, it has not been done, from that moment to this.

I believe that at the present moment a proper overture by us to the republic of Mexico, to the government of Brazil, and to the government of Chile, for the establishment of a permanent board to which could be referred all disputes arising between those states, would be favorably received. I believe that if such a court, consisting of eight jurists, were to sit, — simply to sit and be in existence, the men being honored in each case as the men who receive the highest honor in the states appointing (such men as John Quincy Adams was after he retired from the office of President, such men as Benjamin Harrison is to-day, are the sort of men you want to put on such a tribunal) — I believe that to such a tribunal every state in America would refer the questions which arise, which now at any moment may plunge it into war.

My other practical plan is of less consequence. It is understood that the President and Mr. Olney have one in

view. It is understood that Lord Salisbury, and I think the Archbishop of Canterbury, have another in view. It is understood that the Bar Association has another in view. There are undoubtedly forty plans for permanent tribunals between the United States and Great Britain. My plan is that when the Lord Chief Justice of England arrives in America within the next month, the Chief Justice of the United States shall ask him to luncheon some day. And if, while they sat at luncheon, the Chief Justice said to the Lord Chief Justice: "Don't you think this nonsense has gone on long enough — and could not you and I go into another room and block out on a bit of paper the few central principles for this thing?" I think the Lord Chief Justice would say yes, and I think they would go into the library and on a bit of paper the principles for the High Court of the future might be laid down then and there.

I had the great pleasure a year ago of listening to Sir Frederick Pollock, who is now professor of jurisprudence at Oxford and is a person of such importance in England that the English government gave to him the preparation of their Venezuelan case, when he addressed the graduates of the law school at Cambridge. He said:

> There is nothing I know of in our constitution to prevent the House of Lords, if it should think fit, from desiring the judges of the Supreme Court of the United States, by some indirect process, if not directly, and as a matter of personal favor, to communicate their collective or individual opinions on any question of general law; nor, I should apprehend, can there be anything in the constitution of that most honorable court, or the office of its judges, to prevent them from acceding to such a request, if it could be done without prejudice to their regular duties. And if the thing could be done at all, I suppose it could be done reciprocally from this side, with no greater trouble. Such a proceeding could not, in any event, be common. Could the precedent be made once or twice, in an

informal and semiofficial manner, it might safely be left to posterity to devise the means for turning a laudable occasional usage into a custom clothed with adequate form. As for the difficulties, they are of the kind that can be made to look formidable by persons unwilling to move, and can be made to vanish by active good will. There is no reason why we should not live in hope of our system of judicial law being confirmed and exalted in a judgment seat more than national, in a tribunal more comprehensive, more authoritative, and more august than any the world has yet known.

Rev. Edward E. Hale (at the fourth session of the 1896 conference), for the committee, presented the following resolutions, adding a word as to his own sense of personal loss in the death of one upon whom he had relied as absolute authority on any subject on which he was willing to give his opinion:

In the death of Dr. Austin Abbott the conference has lost a friend and counselor in whom we placed implicit confidence. The Indian Conference and other associations devoted to the public service have relied upon his clear sight, his freedom from prejudice, his knowledge of law, and his practical sagacity. When he led us, we knew we were not striving for what is unattainable, and we knew that we were never sacrificing the truth for the bribe of something which could be gained without effort.

It is more than thirty years since he was first known to the legal profession as a diligent and accurate reporter, and afterwards he was generally read and respected as a writer of law books. He has been prominent as a lawyer and law writer and teacher of law, and has rendered distinguished service to sound jurisprudence. But his work has not been confined even within the wide range of such professional duty. He could be relied upon for assistance in all good works. His scholarly attainment made him an ornament in any circle which he entered; and every organization for the good of man in which he enrolled himself came to rely upon his sound judgment and his energetic decision.

His unexpected death comes at a moment when we thought we needed him most. We must do our best to carry our work forward

with the loyalty, the diligence, the courage, and faith with which he would have led us.

The conference asks the secretary to express to the members of his family our sense of a common loss.

Respectfully submitted by

EDWARD E. HALE

ROBERT EARL

A PERMANENT TRIBUNAL

(Address at the Third Conference, June 2, 1897)

I am highly honored in being permitted to take what is the very enviable position of the first speaker on such an occasion. I am sure we all rejoice in the strong, intelligent, and hopeful statement of our chairman. I hope everybody came here in that mood; certainly I did; and I am quite sure that everybody will go away in good spirits.

The advance since last year has been very great. We rose a great deal higher than anybody expected to. Then we had a pretty bad fall; but we have not fallen nearly as low as we were then. This country understands that there is such a question. This country understands, and let me say this convention understands, the language in which we are to speak a great deal better than we did then. We shall not have, I think, in this meeting, what I have a right to call the somewhat vague and spongy use of words which we have had in the two sessions before. We know much better what we are after than we knew then; and the great word which the chairman used just now — that we have come for much wider business than we ever knew we had come for before — is a word which I hope will linger with us through the whole of these proceedings.

The truth is, that the whole business of "diplomacy" is at stake, as has been suggested here, as has been hinted in print. We ought to remember that diplomats by profession, the men who are in bureaus at home or on embassies abroad, are not precisely the people to tell us.

whether a much broader and nobler foundation shall be established for the intercourse of Christian nations than that on which they have been twitching and pulling and fixing and fussing for two hundred and fifty years. You do not go to a physician of one school to ask him how a physician of another school is to extend the work of that school and to annihilate school number one; and the diplomatists are not exactly the people who are to be consulted as to the great measure which, in less than a century, will put an end substantially to the methods of "diplomacy." And when we are told that Lord This or the Marquis of That thinks this is a fad of modern times and will die out, we shall say: "We did not come to ask your opinion. We are going to take the opinion of the civilized and intelligent men of business, men of action, men of thought, men of prayer, of the world."

I wish we might remember, and I wish the gentlemen of the press would find out, that this whole business of ambassadors and ministers and envoys and *chargés d'affaires* and Heaven knows what not, is all two hundred and forty-nine years old, and only that. It came into existence with the treaty of Westphalia, as it will begin to go out of existence with the treaty for which we are here to lay the foundations. Under the present system, when two countries find out that they are countries, when a nation comes to a sense of independence, it looks round and says, "Where can we send some ministers?" I will not say that it is found convenient sometimes to send abroad for four years a gentleman who is very popular at home, though that thing has happened. I will only say that from the love of courts, the love of grand ceremony, and the rest, it is perfectly natural that a young nation like ours should

desire to establish itself as being as good as anybody; quite as a rich Californian when he goes to Paris wants to have as fine carriages and as fine horses as the dukes and the rest who are in Paris. That is all very nice; and so it happens that in every court in the world, the court at Washington included, there is a little cluster of gentlemen, most of them with nothing under the heavens to do but to dress for evening parties, and that to these gentlemen is confided, in the course of business, the affairs of great nations when they have affairs with each other. I do not say but that, for a good many things, this works sufficiently well. I do say that there is no merchant to whom I am speaking, who, if he found himself in direct antagonism with a great foreign dealer in a city where he had a branch of his own house, would leave that matter to be determined by one of his own clerks and the clerk of the German firm in London. I think he would find out that there were other tribunals in London than such as these two clerks could manage between themselves.

What happens now? We get into a disturbance with a foreign country. It is illegal to go to Lord Salisbury and say: "We are old friends, my lord; you and I were in college together, and your daughter visited at my house seventeen years ago. Why won't you sit down and talk this over?" I must not do that. I must send the question, whatever it is, to Washington, and I must go to Washington and explain to Mr. Sherman about it. I must get him to attend to it, to understand it. And when Mr. Sherman "gets round to it," as our Yankee phrase is, he writes a dispatch to Mr. Hay, who has never heard of the subject before, and knows nothing about it. Mr. Hay, when he "gets round to it," reads this dispatch, and then

Mr. Hay writes a note to Lord Salisbury, who never heard of the subject before, and calls his attention to the question whether the headwaters of the Mackenzie ought to have trout in them or ought not to have trout in them. And Lord Salisbury says, "These Americans have got another question!" And then he sends to a man in his office and says, "Do you know anything about this?" And the man says, "We know nothing about it." And he says, "Get it up as quick as you can." Observe that all the time everything we have done has been in favor of our own prejudices; we have learned our own lesson, we have worked it out in our own way, and our man in Secretary Sherman's department "got it up" as well as he could. Observe that when it gets over there it is left to another set of men, who have another set of prejudices, another set of maps, another set of books, and they "got it up" as well as they could. Then we are ready to begin. Then you go at it for four or five years, and if you get out of it at all, you may thank the God who is, and who knows no yesterday, to-day, and to-morrow.

I say that is not the way in which business men do anything. It does happen occasionally that a few farmers, — up in Vermont, Mr. Edmunds, — disliking courts, refer things to what they call arbitration; they "leave it out to men." I am very sorry, for my part, that that word "arbitration" ever got mixed up with this affair. What we are after is not one of the accidental arbitrations; we are after a permanent tribunal between the nations. That is the thing we have been after, year after year. That is the thing which was dimly foreshadowed in Mr. Olney's and Lord Salisbury's agreement, though it disappeared more and more as the treaty went on.

But, as I said when I began, I have no tears for this change or that or another in the treaty. I am what may be called an "edge-of-the-wedge man." I believe if you get in the edge of the wedge, something will follow. I believe that, when the wedge is once in its place, if the church begins to hammer, and the boards of trade begin to hammer, and the men and women begin to hammer, the wedge will go in and will go through. I was quite indifferent as to the form which the new treaty might take. It was a treaty; and there it is and there it will remain till there is a better treaty, and that treaty will certainly go through.

I need not remind this audience that Jay's treaty, the great treaty on which is founded all these amicable relations of ours, hung fire two years before the Senate. It was a thing for which men were hanged in effigy, for which they were mobbed; and yet the good sense of Jay's treaty drove it through at the end of those two years. We shall see Lord Salisbury's and Mr. Olney's treaty driven through in the same way, or some similar treaty. We shall be favored before long with the presence of our learned and distinguished friend, Mr. Logan, who had so large a share in the preparation of the memorial of the New York State Bar Association, which has been studied and considered here, and which has received so large a sympathy the world over. Mr. Logan has said very happily that what this means is a sign put up by the young court, "Justice between Nations Administered Here." At first they will be very shy about coming to the court. And then there will be perhaps two little nations who will say, "Neither of us has any armor-clads, nor any military gentlemen who need promotion, nor any jingoes. Let us go and try this court."

And they will look in, pretty meekly, and the reporters will not attend, and the press will turn its back on the whole business. But the court will make a decision, and the decision will be wisdom and truth. And when you have Wisdom and Truth, the Urim and the Thummim of the high priest, the world will attend to that decision. No matter whether the world said in advance that it would attend or would not attend. That seems to me to be the weak spot in the Salisbury treaty. The world will do, when the time comes, just what it chooses to do when the time comes; it will not look backward, it will look forward. When the decision is made by an impartial tribunal, which says, "This is justice," the world will attend, the press will sweep round into line, and the pulpit will speak the words of infinite truth if it knows them.

What we want is a tribunal which shall say, "We have listened to this thing, we have heard testimony, and we have decided." Our president here knows perfectly well that in these arbitration courts at Paris, about the seals, about the *Alabama*, about the trout stream at the head of the Mackenzie, no one of those great tribunals had the power to call a witness across the street in which they were sitting; they had to decide without a witness called before them whom they could swear in. And they did decide, and they wrote decisions that the world has attended to. What may we not expect when the great nations of the world shall agree to form a permanent tribunal? I do not care if that tribunal sits for a year writing treatises on international law, before anybody knocks at the door for justice; at the end of a year or two somebody will knock for justice, — and it is on justice that the affairs of this world are going to turn.

One does not have to go very far back in history to see that this is the way in which all courts now existing in England and America began. They knew very well what the feudal system led to in affairs between man and man; they knew very well what it was to have the Duke of Northumberland administer justice in one way, and Lord Marmion administer justice in another way. What happened? There happened to be an institution called the Church of Christ; and that institution said: "You can go into the duke's court if you want to, or into the baron's court; but we have a cathedral here and a court, and if two of our priests quarrel, we administer justice between them by the law of the living God, and that works everywhere. You can come here if you want to." And the people found that justice administered by one law for all England was a good deal better than justice administered by twenty different barons and squires and knights of the shires, so that people began coming into the great church courts, not intended for jurisdiction over them, because justice was done in the church courts by the same law for Yorkshire as for Cornwall, and they meant to have justice administered by that law. And the greatest step in the history of England was when King Henry, catching that notion from the church, sent round and established one law for all England and one set of judges for England. So determined was he that they should be the same judges and the same law that, in all the inconvenience of that time, he made the judge who sat in Cornwall sit afterwards in Essex, and then in Lincoln, and then in Yorkshire; the whole system of circuits in England began when Henry determined that there should be one law, administered in one way, in the whole of England.

Europe and America are to-day a smaller region than England was then. Europe and America have now more to do with each other than Cornwall had to do with York or Northumberland. And what you and I are here to see established is one system of jurisdiction which shall cover all those regions occupied by the six great powers of Europe and America, to be called the International Court of the Nations.

I do not go much into the history of the thing. I have taken for one of the mottoes by which I direct my life the words of St. Paul: "Forgetting the things that are behind, and reaching forth to the things that are before."

Rev. Edward E. Hale (at the second session of the 1897 conference) offered the following resolution, which was referred to the business committee:

Resolved, That it is desirable that this country should send a special envoy to Europe, to the several governments of England, France, Italy, Germany, Austria, and Russia, to urge their common consent and union in the forming of an international tribunal, before which could be tried such differences as any of the nations of the world might wish to submit to it.

Rev. Edward E. Hale (at the third session of the 1897 conference) offered the following, as a substitute for the resolution presented by him at a previous session:

Resolved, That the general plan for an international court of arbitration formulated by the New York State Bar Association in the early part of the year 1896, and by that Association presented to the President of the United States, certain features of which were very happily embodied in the two treaties recently negotiated between the governments of Great Britain and the United States, be and hereby is approved and commended, and that this conference earnestly recommends that the President of the United States be respectfully but earnestly solicited to enter into negotiation with the

representatives of other nations for the early establishment of an international tribunal on the plan suggested, or on some similar plan that may be devised in the great interests of universal brotherhood.

Dr. Hale: In introducing the resolution last night I did it with the definite and distinct object that something definite and distinct might be laid before the country as the action of this conference. There have been thousands of peace conferences which have prophesied since the time of Isaiah. And yet it is as true as it was in John Baptist's time that he who does something is greater in the kingdom of heaven than he who only talks about it. Now here is one scheme which has been brought forward, which has, on the whole, met with general acceptance — being welcomed even in quarters where they are a little slow to say that they approve of anything — because it was a scheme drawn up by careful business men. Then I said to myself and the friends with whom I conversed: "What is there which we can propose, which is practicable, which can be done within a year or two?" It is a habit of mine, and I think a good habit, to form a definite plan of what I would do if God Almighty gave me the power to do just what I wanted. Starting upon that, I said: "If I were the autocrat of this affair, I would send the Hon. George F. Edmunds to Europe to confer with the leaders of opinion in the principal courts of Europe." I do not think that Mr. Edmunds could go to South America to see the Mexican people and the Brazilian people, and I do not believe that anybody could accomplish anything with the leaders of opinion in England and France and Germany and the rest, if he had to go to Spain and the smaller powers. With great grief, therefore, I may say, the gentlemen who prepared the resolution last night omitted

Switzerland. If we should unite France and Switzerland and America and *begin*, I think it would be a good beginning. But looking at what would be practicable for the one man who is to be thought of in such a matter, I thought we had given him enough to do if we gave him the six great powers. But my friends who represent the New York plan were a little grieved; it is a pet portion of their scheme that they have five republics and four monarchies. And as they thought Mr. Edmunds could attend to nine negotiations, I introduced the second resolution to-day.

Rev. Edward E. Hale (at the fifth session of the 1897 conference): A very frank and intelligent speaker spoke of the loss of the Olney treaty as the Bunker Hill of our movement. I want to accept the statement, and to go, as a Boston man has a right to do, a little into the history of that battle.

Prescott made his fortifications on the hill. Howe led his English troops directly up to the face of the redoubt, and they were beaten; they were badly beaten and thrown back again. They waited; they sent their wounded over to Boston; and then Howe sent them up the same hill again, and they were badly beaten again. Then Howe learned by experience. But he learned too late. In the second defeat the cause for which he stood was defeated, and the end of the British dominion in America came when it was defeated.

We were told last evening by half a dozen speakers that, our treaty having failed, having failed ignominiously, having been pushed back, with a great many reasons or with no reason, we were to advance again on exactly the same line,

and offer exactly the same treaty, before exactly the same enemies, and, I venture to say, with exactly the same result!

Now Howe understood his business better. When the third attack came, Howe refused the redoubt altogether, marched round by the right way, outflanked the Americans, and thought he succeeded. This is precisely the position, as it seems to me, in which this conference is. It is precisely the position which, if I understand, it is going to take this evening, — to recommend a repetition of the method in which we have been defeated in the last year. In the proposals which were made by several gentlemen in different forms, and which are in the hands of the committee, we undertake to bring in an intelligible scheme, — for I venture to say there is not a person in this room who could give in five minutes a statement of what the present treaty is and what it means. We propose, on the other hand, a definite plan, which provides for a union, not of two nations, but of all nations who are willing to come in. Having failed in our arrangements with England, we propose that England, France, and America, — France our first friend, France our second friend, France our last friend, France the only great republic in the world beside our own, — that all these three shall be asked to unite in a permanent tribunal. We do not propose to lay down any definition of what shall be proposed to that tribunal; we do not propose to bind any nation to comply with the results of that tribunal. We do propose a court of such dignity that every struggling nation should appeal to it as a matter of course for the solution of its difficulties. If such a court had existed twelve months ago, if the kingdom of Greece had come to the conclusion that it was time that the great treaty of Berlin —

the last triumph of "diplomacy," let me say — should be carried out by the great powers, if Greece had come to that tribunal, and that tribunal had decided, you would have peace, instead of war, in the face of the world to-day.[1]

[1] The platform adopted by the conference contained the following:

We deplore the temporary check to the cause by the failure of the Senate to ratify the proposed treaty with England; but we recall the majority of the Senate in its favor, large, though less than the necessary two thirds, and we believe that while the small minority honestly opposed it, their reasons were not such as to command permanent support.

The overwhelming majority of the country should only be stimulated by this temporary failure to more zealous activity, urging our Executive to renew the treaty, with such modifications, if any, as may be approved in the light of the recent study of the subject by the Senate.

Our country should also make a similar treaty with France, Germany, Austria, Italy, Belgium, Denmark, and Switzerland, whose parliaments have taken action in favor of a permanent system of arbitration between civilized nations, and with all other countries which may take similar action.

We look forward hopefully to the creation in some form of an international court, always open for the settlement of differences which diplomacy may fail to adjust, to which court any nation may resort.

THE POSSIBILITIES AT THE HAGUE

(Address at the Fifth Conference, May 31, 1899)

I had not the honor and pleasure of being here a year ago. I was here two years ago, and I have pleased myself this morning in imagining what any of you would have said if, a year ago, I had stood up here and said that, before three months were over, the head of the largest army in the world, the emperor of the largest empire in Europe, would have gone farther than the best of us had gone in proposing universal peace. You would certainly have said that here was such a crank as never got even to Mohonk before, — such a crank as even Boston had never sent forth, — and that you might sweep the country to find a statement more absurd. It was indeed like a sudden flash of lightning in a clear sky when the world heard, on the 24th of August, that the emperor of Russia had directed this rescript to be sent out to the courts which have diplomatic relations with him, to propose the " maintenance of general peace."

It is to me interesting that what I suppose was one of the first formal replies which the emperor got to his proposal was the reply sent from the First Congregational Church in Columbus, Ohio ; certainly it was the first reply he had from America. When I think of our way of managing church and state here, that seems to me pretty fine. The Sunday after the rescript was issued, Dr. Gladden, of Columbus, told his people that he wanted them to stop after the benediction. He read the rescript, and the First

Congregational Church in Columbus sent their sympathy to the emperor of Russia and assured him of their determination to coöperate with him in his work. As soon as the mail could bring it back, they had the emperor's acknowledgment of this sympathy and coöperation. That is what I like; the first emperor in the world joining with the most democratic assembly in existence.

From that time to this, my friends of the newspapers have been engaged in forgetting the things that are before and in reaching back to the things that are behind, as is their habit. But people who like to look forward and not back have seen the gradual coming up upon the sandy beach of the wave of public opinion. This world over — yes, from the seraglio of the emperor of Turkey round to the craziest come-outer in America — the tide has swept up, to show the determination of the world that the wish of the emperor for the "maintenance of general peace" shall be respected and carried forward. And now I do not find that people say either that the emperor is a liar, or that the whole thing is nonsense and that nothing can be done. I find that my most Philistine friends have from the beginning been sure that this was a most valuable movement. They did not happen to say so to anybody, but they think now that they said so; and since they think so, God grant that they may think that they put the emperor up to it by their private letters!

I have a certain right to speak of the opinion in this country. I have had the honor to address meetings on the subject in thirteen states, from Massachusetts to beyond the Mississippi River; and it has been very interesting to see that, while the crickets that chirp upon the trees have not had much to say, the thoughtful men and women, the

men and women who make opinion, have from the beginning seen that here was the chance for one step forward in the civilization of the world. That feeling has expressed itself more and more constantly till to-day. And this august meeting, which is precisely the meeting around which our expression ought to crystallize, shows the seriousness of the work before us, and our gratification that thus far it has been so well done.

I am honored by being asked to hold the position which I hold, because I may be said to represent here the company of gentlemen who have, in the city of Boston, directed public attention so far as we could in this matter. It is with great pleasure that I see here the representatives of the same feeling from the state of Rhode Island; that I see the representatives of the great Bar Association of New York, which led the way in this business, to whose work we owe this great success at this moment; that I see representatives of the very strong committee which Philadelphia formed, almost in a moment. I think that there are here representatives of the very strong public feeling of Baltimore; and I hope, though I do not know, that that great demonstration made in Nashville, Tennessee, early among the great demonstrations in America, is represented here.

I should be false to my own feeling if I did not say that in the whole conduct of what we call the "peace crusade," in the last six months, we have had, on the right hand and on the left, behind and before, privately and publicly, the most cordial support of the general government. The matter is very near the President's heart, and the gentlemen who direct affairs at Washington have taken it up with the utmost earnestness and interest. I do not think I violate any of the proprieties when I say that I believe that the

first thought of the President was to appoint ex-President Benjamin Harrison as the first of our delegates at The Hague. General Harrison was himself very eager to be able to go; but by what I may call a very happy misfortune he was prevented from going. For he was retained to appear on the day on which the conference at The Hague met, as the chief counsel of the republic of Venezuela in the great court of arbitration at Paris, which is to decide the question whether Venezuela or Great Britain is to dictate certain boundary-lines in America. President Harrison thought it was not fitting that he should appear to be in two places at once; I suppose he had no double to whom he was willing to intrust his affairs. At all events, he thought this was a reason for his declining the nomination, — certainly the most honorable reason which a great statesman ever gave for declining the most honorable proposal which could be made to a great statesman.

I am asked, then, because I represent the most northeastern of these various committees which are here together, to bring together what we think are proper subjects for the discussion of this conference, — to put in form our "testimony" in Boston. I hope the gentlemen from other parts of the country will put in form their testimony as well, and then at the end of the meeting our committee will formulate that testimony and send it out to the world. When I see the results which some twenty conferences at Mohonk have had in the civilization of the world, I must speak very hopefully as to the result of the serious consideration which, in the next three days, we can give to such subjects as I am to lay before you now. I speak after conversation with a dozen gentlemen who have taken great interest in this affair, especially with our distinguished

friend, Mr. Mead, who has done so much in Boston in elevating public opinion in this matter. We hope, then,

1. To place on record our cordial approval of the sentiment expressed in the address with which Baron de Staal opened the peace conference, that by engaging itself in measures "practicable at the present moment" the conference gains power at every point. We may well leave the future to care for the future.

2. That we shall express the wish that when this conference at The Hague adjourns, it may appoint a day, two or three years hence, for the meeting of a similar assembly, and that such meetings may be regularly held, as a part of the international system of the civilized world.

3. The commercial nations have long since come very near a decision prohibiting the seizure of private property at sea. An agreement between the most important of them at this time seems to come among the possibilities of this conference.

4. There are many matters of detail in the life of the world which common conventions cannot regulate. An assembly of statesmen so distinguished as this, representing the civilization of the world as never before, will of course be able to give dignity and efficiency to practical methods in international life, such as cannot otherwise be attained. The world hopes that the administration of postage, of lanes and lines of ocean commerce, passports, customhouses, the surrender of criminals, quarantine and health, and even international finance, may be advanced by the committees of this august assembly.

5. To express our great satisfaction that the establishment of a permanent tribunal is under consideration as a practicable convenience in the diplomacy of the nations.

6. To suggest that it is unnecessary to define or describe the questions to be submitted to such a tribunal, or to make it obligatory on any nation to submit them. Let the international tribunal be ready. Give it the right and means to collect testimony and to verify such testimony. Let it be obliged to render reasonably prompt decisions. Then let the nations appeal to it or not, as they may choose.

7. It would be most gratifying if all of the twenty-six nations would unite in the formation of this court. But if a court could be established by even three or four, it could *begin;* and as it established itself, states now doubtful would join, on the same conditions as those at first suggested.

8. It would be quite desirable that on adjournment the conference should refer to the jurists of the tribunal some or all of the open questions not determined by its action now, with the request that the tribunal would report upon them at the next meeting of the international assembly.

These heads form the brief on which I am going to speak.

1. When I saw the picture of Baron de Staal I was charmed. He has been, as you know, for many years the representative of the government of St. Petersburg at London. He evidently deserves that place. The face shows great strength and very great benevolence; it reminded me of the flattered portraits which we used to have, forty years ago, of Pius IX. That this man should preside over this congress seemed to me an omen of the very best and happiest sort. He said at the beginning: "Do not let anybody think that we are seeking Utopia. We are going to do the practicable things which can be done now." He said those were the directions of the emperor, and he believed such were the opinions of the statesmen called together there.

THE LAKE MOHONK HOUSE

I have spoken, I suppose, fifty times upon this subject, frequently to audiences which, when I began, were adverse; and I have found that the great difficulty, not only in the minds of Philistines, but in the minds of idealists, is that there has been so much more sung than said upon the subject of peace that they do not believe that anything is practicable. You meet constantly the statement: "Oh, yes, you know, you must have war, you know, every twenty years. No great nation ever existed that did not do so." I meet plenty of clergymen who say this. It is exactly as an old-fashioned grandmother got the children together every spring and gave them one dose of "spring medicine," that those that were sick should be made well and those that were well should be kept well.

I was present at an august assembly of college professors in this very state, and a gentleman said with a great deal of spirit, "How does Dr. Hale account for it that every century has been more warlike than the century before?" I said: "Dr. Hale accounts for it by saying that it is not so. Let us take this last century: the people of the United States have had two and a half years of war with England, a year and a half with Mexico, four years of the Civil War, and a hundred days with Spain, — eight years and a hundred days. Now in the last century the wars of William and Mary and Queen Anne, twelve years; George II had two wars, one of eight, one of seven years; our Revolutionary War is eight years more, — thirty-eight years in all. So," I said, "we have cut down the wars in one century from thirty-eight years to eight, and we propose to cut off thirty years from that in the next century." I believe the sense that something practical is to be done is the real reason why we are now looking forward hopefully for the first time.

And since they got together at The Hague they have shown so much more sense than ever I had that I have wished I had written every dispatch that has come from there. The gentlemen assembled there are evidently determined to do what can be done now, and to leave it to others to talk of the impossibilities of the present, which shall be the possibilities of the year 1950. I am glad, then, that our committee of arrangements has suggested that we should address ourselves wholly to what is, after all, the great question, whether it is or is not possible to establish between three nations, four nations, or, with the help of God, between twenty-six nations, a permanent tribunal, before which they shall bring their cases if they want to, and which shall make the august decision on which such things shall rest.

Certainly, if anybody ought to do this, it is this United States of America, which is the greatest peace society of the world. Why are we the strongest empire of the world? It is because in 1789 thirteen quarreling states, of different religions, of different origins, of different languages, agreed to submit every question which arose between them to a permanent tribunal. The Supreme Court of the United States is that permanent tribunal, and it has kept us at peace, with the single exception of the Civil War, — which is not an exception, because it arose from the only question which was ruled out from the Constitution of the United States. If the fathers had had the courage to say that the Supreme Court should decide such questions as the settlement of Kansas, there would have been no Civil War. The one exception to the theory of a permanent tribunal has been the cause of the only civil war which has been known in the United States for a hundred and ten years.

In the years immediately after I left college we had in Massachusetts a quarrel with Rhode Island, such as has brought Europe to war a hundred times within the last five centuries; and yet it would be no disgrace to any lady or gentleman here not to know that fact, nor what the quarrel was about. Why? Because the case was submitted to that permanent tribunal, it was decided, and so we do not even remember that there was ever any conflict. With such experiences as that, the United States has a right to appear before this great conference at The Hague and to say, "What we wish you to do is to establish a permanent tribunal for the United States of the World in the century which is before us."

We are perfectly aware that this congress, with the immense number of proposals brought before it, will be obliged to rule itself very severely. Percussion caps and cartridges will undoubtedly have to go to the wall. But the emperor never proposed, as he has been accused of proposing, going into detail in such matters. He did say that "for the maintenance of general peace" it was desirable that the increase of armaments should not be continued. I am sorry to say that the rescript was badly translated; but there are some copies here, and I think it would be a good plan for the persons who have not read it to read it before we go much farther. I should say that of one hundred persons who have spoken unfavorably to me of the emperor and his plans, the number who said, when I questioned them, that they had never read the rescript was one hundred also.

I should like to take the whole time of the conference, till Friday night, in speaking on this head of my brief. But I will now speak of the second.

2. The statesmen of the world have for centuries wished that such a conference as this might be brought together. It is rather curious, indeed, that the whole body of international law has never been worked over. It has been proposed again and again that the nations of the world appoint a congress or convention for the codifying of international law, but it has never been done. Here is the first occasion since Adam drove a spade into the ground in Eden when men have met together for the purpose of defining the relations of the nations to each other, or, as Mr. Mead says in his very happy phrase, " for the organization of the world." The organization of the world is really a large contract; and it seems desirable that when this congress adjourns it shall appoint a day, two or three years hence, for a similar congress to meet for such purposes. I could wish that this might be one of the subjects discussed as we go forward here.

3. The third head of my brief refers to such matters of detail as postage, commerce, quarantine, and possibly finance. These are matters of detail on which many gentlemen here are more fitted to speak than I. I could wish that we might give a part of one of our sessions to such details which would come before such an assembly. I do not say it with any rebuke or any scorn of any one, but I think it is rather remarkable that the men of business, as they call themselves, — the bankers, the financiers, the merchants of the world, — have been as laggard as they have been in advancing this great cause. If anybody needs peace, it is the men who regulate commerce. If there is anything destructive of commerce, it is the danger of sudden war, such as has flashed on this country once and again, when men woke in the morning and were surprised

to learn that they were likely to be at war. This being so, one would have said that the great moneyed men of the world would have been the leaders in a proposal for the maintenance of universal peace. I do not say that they are most behind, but I do say that they are not in the forefront. The men in the forefront are such men as the emperor of Russia, the great idealist of the world.

MR. EDMUNDS: And Dr. Hale.

DR. HALE: What is curious is, what is very interesting is, and what ought to go down in history is, that the practical leaders in the affair, the pioneers who went before the army and made the road, are the lawyers. Mr. Chauncey Depew has wrought this statement out magnificently in his great speech referring to the arrangements which the Bar Association of this state made for a permanent court of arbitration. The presentation there by Mr. Depew of the work which the lawyers of England did in the seventeenth century in establishing the constitution of Great Britain (from which constitution all liberal constitutions have grown) is a statement worthy the study of every person who cares anything about constitutional law. To the gathering of a few lawyers in Chicago, led by the late David Dudley Field, we owe one admirable plan. To the New York State Bar Association — led, I may say, by gentlemen now in this room — we owe the great plan, which was taken up with enthusiasm, I might say, by some of the leading men in England. That plan was very dear to Sir Julian Pauncefote, who is now in the very front with his white banner of peace. We owe to the lawyers of the country the initiation of the practical measures which we have gained. They have raised the plane of this discussion from the Utopia of a Tennyson, singing about the "parliament of man," to the

practical measures for a tribunal of the world, which such men as Mr. Depew, Mr. Choate, President Cleveland, President Harrison, Mr. Olney, and Sir Julian Pauncefote have been willing to take up as the most practical measures for to-day.

4. I wish to speak next about the abolition of the attack on private property at sea. When an army marches through an enemy's country, all civilization requires that every ox and ass which the army takes for its service shall be paid for, and it is paid for. But the minute you get more than three miles from the seaboard you may steal whatever you want to. The world has been at work on this for a hundred and ten years. It is, I think, greatly to the credit of this country that you cannot make any better statement of it than Franklin made in 1783, which he introduced into our treaty with Prussia, and which he tried to introduce into our treaty with England. It does seem now as if there were an opportunity to abolish the right of stealing private property on the seas.

5. And now I come to what seems to me the central and most important topic of all, the topic of a permanent tribunal. It would be very interesting if the large body of gentlemen and ladies here, trained in such different experiences, would each give a personal testimony on this subject. I do not propose to enter into it at any length at the present time. I will only say that we are following in the line of the civilization of the world in private matters when we include a permanent tribunal in the relations of nations. No longer does a man go out with a club in his hands to knock down a neighbor who does not agree with him. We no longer have the law of the cave dwellers or the law of chivalry. We have abolished the duel; we have

compelled decent people to submit their questions of controversy to some tribunal. Those of us who are on the frontier, who are very ignorant, "leave it out to men"; they make up a little tribunal for the purpose, which goes to pieces as soon as the case is decided. Those of us who are civilized, who have large concerns in hand, have a permanent tribunal before which we bring any case which may arise; or we do not bring it if we do not want to. But the permanent tribunal exists, and the methods of civilized nations are such that they can compel that tribunal to act with great promptness.

It is an interesting historical study to ask why the great nations have never established such a tribunal. They have tried to do so again and again. The pope and his court tried their very best to establish themselves as such a tribunal. Now the nations have come together and seem to be determined to advance as far in their mutual relations as private individuals have long since done, in the establishment, not of little separate courts to be blown to pieces as soon as the question is decided, but of a permanent tribunal which shall have a right to call witnesses, to appoint experts for the examination of different questions, and which shall always be in session to hear any matter which may come up. I believe that if at that crucial moment when, in a friendly harbor so called, the great ship *Maine* was blown up, there had existed a permanent tribunal with the prestige of fifty years, with such dignity as our Supreme Court has, the people of both nations would have submitted to that tribunal the two questions: first, whether it is a friendly act to blow up a ship of another power in your own harbor; and, second, who blew up this ship? It was idle at the very last moment to gasp

out: "Would n't it be well to appoint a jury of experts to decide this matter? Could n't we leave it out to men?" We had to leave it out to the Providence of history. But if we had had a permanent tribunal, I believe that that question could have been adjudged.

The truth is that the old diplomacy is not up to the rapidity of our time. I pity these Joe Choates and Julian Pauncefotes, and the other gentlemen who have these diplomatic duties, that with such very dull tools they have so much work to do. You cannot get any testimony. You have the case of the United States on the one side and the case of England on the other. The State Department of each makes up its case, with all the prejudices of the witnesses. You bring together your silver shield and your gold shield, and nobody has any right to find out what is the truth or what is not the truth. A permanent tribunal would have the right, as the Supreme Court of the United States has, to send for witnesses anywhere, take their testimony anywhere, appoint experts, refer cases to masters, and to decide. That famous question which is up at this moment, which our friends of the press told us in January was going to precipitate war between the nations of England and France, over which these great war vessels were to be tried in the mouth of the Gulf of St. Lawrence — what was it? A mere question of fact. It is the question whether a lobster is a fish or a crustacean, a mere question of natural science. That is to say, in 1783, when England was the under dog and there were three on top,— Spain, France, and the United States,— they gave to the French the right to catch fish in those waters and to cure those fish for market on any uninhabited territory on the western side of the island of Newfoundland. They meant the good old

codfish of our fathers, which made the salt fish which went into the Mediterranean for the Friday food of the convents there; but as things have gone on, the French merchants, with their audacity and skill, have taken to catching lobsters on the shore of Newfoundland, and wherever they find an uninhabited spot they can those lobsters. Is a canned lobster a "fish prepared for commerce"? — that is the question about which England and France are expected to bring their navies into action. How glad Lord Salisbury and the French minister would be if, as they walked down the street, they should see a sign, "International Justice Administered Here"!

6. I have placed as the sixth article in my brief the suggestion urged by our friends of the New York Bar, that it is entirely unnecessary to define the questions to be submitted to such a tribunal, or to oblige any nation to resort to it. Mr. Wanamaker, if he thinks he has been cheated, may prosecute the man who has stolen cloth from him; or, if he chooses, he may let it go. It seems to the Bar Association, as it seems to me and the gentlemen I represent, that that decision should be left to the nations. To tell the truth, whatever might be said in advance, they would take that privilege when the time came, whether anybody wanted them to or not; and we may as well admit the fact. Let the international tribunal be ready. Give it the right and the means to collect testimony and verify it. Then let the nations appeal to it or not, as they choose.

7. The court might exist if only three or four nations joined in it at first. It seems to me, and to the gentlemen whom I have consulted, that this is one of the most important suggestions which can be made. Out of those hundred gentlemen now at The Hague, it would seem that there

might be private conferences between the representatives of different nations, and that three, four, or five of the nations most advanced in this matter might join together. It might prove that the very strongest nations and the very weakest nations were at one in this matter. It is to be said to the everlasting credit of the republic of Switzerland, that the first suggestion for such international arbitration was made in a treaty which the republic tried to make with us half a generation ago.

8. And, lastly, it would be desirable that on adjournment the conference should refer to the jurists of the tribunal some or all of the open questions not determined by its action now, with the request that they should be reported upon at the next meeting of this august assembly.

I believe that my friend who suggested that had in view this undoubted difficulty. The French say, " It is the first step that costs." The difficulty with which our national union was cemented is well known to students. The Supreme Court — it is supreme now: presidents have to give way, cabinets, senates, navies, armies, have to give way. But the difficulty with which that tribunal was established is hardly to be stated in words. And when it was established, the shyness of all parties about bringing questions before it now seems almost amusing. There will be the difficulty in the international court. If my friends of the New York Bar Association have their way, the Supreme Court of the United States will name one of its most distinguished members as the first member of the permanent tribunal, — in my judgment, the highest honor which has thus far been conferred upon a living man. If they have their way, the high court of England will name its most distinguished justice as the second justice of the permanent

tribunal. These gentlemen will be appointed with honorable salaries, with the distinction that they are to hold office through life unless they resign. And the court will exist. Then some third government, perhaps the republic of Switzerland, — I like to hope it will be the republic of Switzerland, — will appoint a distinguished justice as the third member of this great court. The court will *exist*. The three members will come together, in Berne, with dusty baggage, tired with travel. They will go to the Hotel of Glad Tidings or the Hotel of the Prince of Peace; they will wash themselves; they will sit down together. Justice Brewer will take out the collection of treaties of the last thirty years; the English judge will take out his books. Then, as our fine national phrase says, they will "hire a hall," and the court will *exist*. Then the cynics of the world will come in; then the moneyed people will come in; and they will say: "What have they done? What did they do yesterday?" They did nothing except *exist*. They were there and they *existed*. Next week and next the court does nothing: it *exists*. While the Lord Salisburys and the Mr. Joe Chamberlains and the heads of our government are looking round for some case trifling enough to be referred to the court, it will *exist*. It does seem to me that it would be well if that court, during that period, while waiting for the lobsters to be brought before it, or the origin of your sealskin coat, madam,— if, while it was waiting, its members would put their heads together and put into form some of these axioms of international law which have never been put into form to this day; things which Grotius has dreamed of, which Vattel has suggested, which Puffendorf has said ought to be, but which never have been put into the arbitration language by anybody. I think it would be

quite in the power of the conference of to-day to direct that this court, from its first existence, should be issuing to the world statements of that eternal international law which underlies the jurisprudence of the world.

My last words shall be that the foundation of that international law is in two codes, one called the Sermon on the Mount and one called the Ten Commandments. The international law of the world is an attempt to state the eternal verities of religion in the language of merchants and statesmen. It does not seem to me that it would be amiss to intrust the language in which that international law should be written down to the first permanent international tribunal. Let them state in words the "principles on which rest the security of states and the welfare of peoples."

THE CZAR'S RESCRIPT

(Address at the Second Session of the Fifth Conference, 1899)

The czar's letter struck the world as from an open sky. Every person of conscience, Christianity, and truth was of course glad that there was such a letter. The people who always look first on the wrong side of things felt sure that some bad motive could be assigned for it. Our friend Mr. Kipling made his first slip from grace in speaking of the czar as a bear who was trying to look like a man in order to catch unwary travelers and crush them to death; on which our friend Mr. Mead of Boston said that he thought it was a great deal better for a bear to act like a man than it was for a man to act like a bear. That epigram, I think, settles that matter.

The rescript took the world absolutely by surprise; but gradually — and it is that history which I am to try to give — the better public opinion of the world has shown itself. It showed itself from the very beginning among the diplomatists; and the curious fact that all the twenty-six governments instantly accepted the invitation, and accepted it with joy, was also a damper to our friends the Philistines.

The rescript was very badly translated into English, — so badly that I hope this very conference will take measures that, in our published proceedings, it shall be published in a better translation. Poor Count Muravieff had to write in French; undoubtedly he would rather have written it in Russian. Accomplished French scholars

though we all are, I think any one of us would be a little dashed if he had to draw the Declaration of Independence in the French language; and occasionally the rescript failed to express, in the strike-out-from-the-shoulder fashion, the truth which the count had to express.

Twenty-six sovereigns immediately accepted the invitation. Lord Salisbury's letter is one of the classics in diplomacy; it is a much stronger letter than Count Muravieff's, and it struck the keynote for those people in England who did not know what to think. A very curious movement was then inaugurated in England by Mr. Stead, who is known to most of us as the editor of the *Review of Reviews*. Mr. Stead announced that he was going to publish a journal called *War against War*. I do not suppose either party in Parliament dared show its hand in this matter; but Mr. Stead and the gentlemen around him satisfied themselves that if the rank and file of the English people could find out what was in the air, they would express their opinion in favor of the peace conference. I believe I am telling no secrets which have not been told elsewhere when I say that they waited at once upon some of the richest men in the world, and said to them, "This is your last chance for peace," and three of those men told them to spend as much money as they wanted to spend for the cause of peace and they would fill up the checks. Two other gentlemen of the same position gave them five hundred pounds each; and so they were able to begin operations with what Dr. Johnson would call an "unlimited potentiality of wealth." They hired offices in London, and they began this very curious crusade, which has resulted in their holding many hundreds of meetings in the cities of England, called in many instances by the

mayors and aldermen of those cities, and bringing together people of the first distinction, though not, in many instances, people in politics.

It has been very amusing to watch the change in the Philistine press of England; for the press in England is bitterly Philistine. For instance, our excellent friends of the London *Times*, who do not know what the word "principle" means, — to see how they swung around and spoke respectfully of the conference at the end, when at first it was not worth the attention that you would pay to a lame butterfly, was most amusing. Mr. Stead and his friends steadily held these meetings in England. They opened a correspondence with the leaders of opinion in sociological lines on the continent; but, as has been intimated here to-day, the continent is governed very largely by militarism, and public opinion is directed very much by the gentlemen who have on colored coats with gold upon the sleeves. You cannot help it, if a third of your population is engaged in war in one way or another and is closely organized; if the kings cannot sit on their thrones without standing armies, you cannot help having a strong public opinion on that side; but the people who work and who pay taxes, — the plowman who, as Mr. Evarts said, is carrying a soldier on his back all the time, — those people it was that could be waked up to some consciousness of the opportunity; and so there began a very interesting change, a change slow and not very extensive, in the attention paid to this subject in the different states of Europe. I have received pamphlets in almost every language of Europe, in which the sociological leaders have done their best to bring about a more cordial feeling with regard to the conference.

Many different statements have been published as to what the czar wanted or what he did not want. They are of very little consequence. You get ninety-six of the most sensible men in the world into a room, the men who have led public opinion in their states in the half century past, and it does not make much difference whether the czar wants one thing or another. The issue went out of the czar's hands as soon as these states agreed to join in the meeting.

All the whispers which come to us, as to what this government wants or that, must be taken with the greatest caution. The government of this country from the first took the ground that a country which had just been successful in war must not offer too much advice as to peace; but the administration was awake to the importance of the position, and when the hour struck it turned out that six gentlemen had been selected, of the very first position and character in the world, who are now representing us with the greatest honor and dignity at The Hague.

The czar's proclamation, as anybody will see who takes the trouble to read it, is a passionate appeal for the maintenance of peace. It has always been called a "disarmament proclamation," but the congress is really to provide for peace. The czar said that in all the treaties made in twenty years, the desire for some method to solve difficulties without recourse to arms had been stated. Our government met that statement at once by requesting Mr. Moore, the distinguished student of international law in Columbia College, to prepare those treaties for publication, and has just now brought them forward. They are in the public libraries, and will be an interesting study for those who care to know anything about the real problem.

In those twenty years there have been almost a hundred proposals of the kind which we are to discuss tonight. One of the very latest I hold in my hand; it is the general treaty of arbitration which Italy and the Argentine Republic made last July, in which they submit all cases of difference that may arise between them to what may be called a permanent tribunal, and pledge the honor of the nations to agree to the decision of that tribunal. It is rather interesting that this plan goes a little farther than any earlier plan, in providing that neither of the three judges in the tribunal shall belong to either of the nations, and that the court must always sit outside the countries involved.

The earliest of the documents to be studied is the proposal made by the little republic of Switzerland to our government in 1883, a proposal which has never been wrought out. The proposal made in Mr. Blaine's great Congress, when sixteen states agreed to a plan, is here. Then there is the famous Olney-Pauncefote plan; and, as I believe, head and shoulders above them all, the proposal made by the State Bar Association of this state, which is likely to be the center of the plans for the nations interested in an international court.[1]

But understand that what we read from day to day is the gossip of The Hague. The conference sits, as it should, with closed doors; and when it is ready it will tell us what is done and what is not done. The case is precisely similar to that of the convention which made

[1] In the appendix to the report of the Mohonk Arbitration Conference of 1899 are printed the United States arbitration proposals at the Hague Conference, the British proposals, and the Russian proposals. — *Editor.*

the Constitution of the United States, which, after sitting a few weeks, published to the world what Mr. Gladstone has called the most extraordinary political document ever wrought out in so short a time. That decision could never have been arrived at had there been open doors. We are to recollect that what we read is the gossip of intelligent men who are permitted to talk with the gentlemen, but who have not known in detail what the proceedings are.

PROPHECIES FULFILLED

(Closing Address at the 1899 Conference)

It is a very great pleasure, as it is a privilege, to be permitted to say the last word. I was very much gratified that I was permitted to say the first; and while we have had a charming time and the hours have gone by on winged feet, yet think how long we have lived since I uttered those words! How many of my prophecies have been already accomplished! The three days have done the work of a century; indeed, they have done the work that nineteen centuries had not done. We have had, morning and evening, these dispatches from The Hague, and we have wondered as we read whether we were dreaming them.

"Blessed are the peacemakers." And since the Lord Christ spoke those words, in nineteen centuries until these gentlemen came together in the "House in the Woods," there has been no opportunity for the peacemakers to look each other in the face. If what the cynics call "nothing" was to come to pass, yet everything has come to pass in the fact that we have been led, century by century, to such a triumph as that.

As has been said here very wisely and wittily, we have had to go at a double-quick step, if we meant to keep up with the gentlemen in the "House in the Woods." Yet there are words in their statement which was read this morning which might have been read from your own reports of the year 1897, — words which our friend Mr.

Logan, our friend Mr. Jones, the judges of the courts here, have spoken standing in this hall, and we are permitted to live to see the light "which kings and prophets waited for."

I want, before I say a word more, to thank the executive committee for the admirable platform which they permit us to send out to the world. I want to thank somebody for the admirably classic English in which it is spoken. I had the honor to criticize Count Muravieff's words the other day; but the poor count wrote in a language which was not his own. Somebody has written this in our English tongue, which is to be the language of the reorganized world, — somebody who is a master of it. In a very few words are expressed the wishes, the hopes, and, let me say, the belief, of this body of men who are before me. Some things which I asked to have put in are not put in; but I like to say to the gentlemen of the committee that I am satisfied that they are right and that I was wrong. I am glad that the report takes the form that it does. It is to be said of almost every word which has been said in this hall, that we have come squarely up to Baron de Staal's admonition, that nothing shall be discussed which is not practicable. That is what "my august master, the emperor of all the Russias," as Count Muravieff calls him, wants. He wants "the maintenance of general peace"; that is the ideal to which the efforts of all nations are tending. And when he comes to the close of this magnificent rescript, he says that he hopes that the beginning of the twentieth century may show that the conference which has thus assembled has put in order the method by which a formal statement may be made of "the principles on which rest the security of states and

the welfare of peoples." Men would have said six months ago that was impossible; but here is a body which has already initiated the international court to which every dispute shall be submitted first, whether fighting come afterward or not. I am not sure but a gift even greater to civilization and mankind is in the certainty that a body authorized by all Christendom shall formulate the "principles on which rest the security of states and the welfare of peoples." I think we shall not be quite so severe in criticizing people who do not do things exactly as we do, when we find that it is the sovereign of all the Russias who is caring for "the security of states and the welfare of peoples." It is worth waiting nineteen centuries to have that said at the end.

I am disposed to think that we shall all have opportunities to press, in a hundred ways, the all-important suggestions which the history of nineteen centuries has made to us, without putting them in formal resolutions or in protocols or in diplomatic papers which belong to the worn-out systems of past diplomacy. I am one of the people who think that old-fashioned diplomacy is about as useful as old-fashioned plate armor. I do not dislike to have some of it a-going; when I see an opera I like to see a good piece of armor in it. And so I am glad that there are some of these gentlemen who are received at court, and present credentials, and write dispatches. At the same time I observe that my practical friends either go to this merchants' tribunal which we were told about by Mr. Brown, or go to a lawyer and get their business brought into court. I am disposed to think that plate-armor diplomacy has about done its work. Commerce has discovered methods of its own, wholly unknown to the

old diplomacy, and uses them with more skill than the diplomats themselves. I am sure nobody who has heard the great utterances which we have heard here, on what commerce is and has done, would say lightly that commerce is not the most Christian of all our institutions, and that the merchants are not among the first of our civilizers. I have that confidence in the instinct of the commercial missionaries of the country, in the missionary work which is being done by the Rothschilds, and the Belmonts, and Dodges, and Atkinsons, and Coombses, and Capens, that I believe that the object of which I spoke in a few words on Wednesday morning will be accomplished by this very conference.

We shall no longer maintain piracy on the sea when we compel our navies to live as gentlemen live on the land. We shall no longer consider it noble to steal that which happens to be afloat when we consider it dishonorable to steal that which we take in time of war on land. I believe that this conference at The Hague will confirm what has been the growing habit of nations more and more, and will declare that neutral ships make neutral goods. That declaration is the declaration of our earliest diplomacy; and America, which is always proud of her diplomacy, may yet see that triumph.

Many other nice details which gentlemen who are engaged in the trade of the world know to be important will be wrought out by this conference at The Hague, in some of these subcommittees which are pushed on one side or the other by the newspapers; so that our letters will come to us more easily, so that we shall travel with less fuss about passports, so that cholera and the plague may be more surely avoided, so that the nations may live as the

state of Connecticut lives with the state of Rhode Island, and that with the state of Massachusetts, in absolute amity, each seeking the interest of the rest. It seems to me desirable that from time to time there shall be congresses which shall continue a work so beneficent. But all these, after all, are details which will be wrought out as the great central success of this great congress develops itself.

One is tempted, one is compelled almost, to run back to that history, which our fathers and our grandfathers knew in detail, of the excessive difficulty, the excessive distrust, with which the Constitution of this country came into being. It is very easy to say now, as Mr. Gladstone said, that it is the grandest political work of the human intellect ever struck off in so few weeks' time; but nobody said that then. On the other hand, John Adams wrote to Dr. Price, in a letter which I have myself seen, "We have made a constitution which will keep us from cutting each other's throats for a few years longer." John Adams favored the Constitution; yet that was the best impression that he could give of it in the year 1789. And then the timidity, the shyness, with which they approached every part of the new machine, the unreadiness to take office under it! There is something pathetic in reading George Washington's letters to his old friends, begging them to assume this collectorship or that postmastership or this place in the cabinet. When one reads such solicitation from Washington to Knox and Pickering and other men, and sees that they thought they made sacrifices in taking places under the new government; when one reads the reports of the early decisions of the Supreme Court of the United States, to see how tentative it all was in the

beginning, — then one takes courage when he is told by some Philistine that this new court is "all nonsense, you know," and that "nobody means to have anything to do with it, you know," because "it's only the dream, you know, of an idiot, you know." It takes only a little reading of our own history to see that some very large results have sprung from some causes which were thought to be as insignificant as a mustard seed.

What have we ourselves, then, to do in this business? I have listened with the greatest interest to the words of gentlemen who have cautioned us that we are living in our own atmosphere. Here we are like the diver at the bottom of the sea. Somebody is pumping his oxygen down to him, and he forgets that to people who have no oxygen supplied to them the bottom of the sea is a very uncomfortable place. Here on the hills of Lake Mohonk, with everybody singing peace and rejoicing over the dispatches from The Hague, — with letters in our pockets from Mr. Low and Mr. White and the other peacemakers of the world, on whom the blessing of the Saviour is already resting, — we feel as if all the world were aflame. When we get home we shall find that our friends have not so much as missed us; and when we tell them we have been at the arbitration conference they will think we have been to the "House in the Woods." We have before us the duty of shaking people by the shoulders to wake them up, of asking them if there is not something in the future that it is worth their while to attend to, and if they mean to be forever forgetting the things that are before and reaching back to the things that are behind. If the men of the press can get their chiefs to "look forward and not back," they will do something to make

the press the agency it might be, and is not, in the cause of Christianity and civilization. We must say those "little words" of which General Howard reminded us, which will show from hour to hour and from day to day that we believe that the peace of the world is a possibility.

"The maintenance of general peace" is the ideal to which every Christian man and every Christian woman and every Christian child is to look forward. We are to say this in conversation. Those who have the privilege that I have are to say it from the pulpit. You who have the greater privilege of talking hand to hand with the practical men of the world are to say this. In whatever position we are placed, we are to remember that this world cannot come to its bearings, does not understand the use of the science it has been creating in the last century, unless it finds out that the human race is but one individual, and that we are so many separate leaves and twigs on the bough of the tree, each of us having a contribution which he is to render for the good of all. Each for all, all for each. That God's will may be done on earth as it is done in the planets and stars of God's sky, as it is done among angels and archangels, as it does itself where law and order reign, we must live so, we must harmonize our differences thus, we must live in the reign of love. The kingdom of peace must come.

PRACTICAL MEN AND PERMANENT PEACE

(Address at the Seventh Conference, May 29, 1901)

I must thank our New England president for this flattering way in which he speaks of a New Englander,[1] and in this presence one wishes to thank the lawyers who are present for the New York Bar Association, which put in form for the first time the great plans which have been wrought out now.

We are standing just at one of those issues which all great causes stand in for a moment. The Prophet Isaiah must come in before Edison and those people; but the idealist does not close the story. The men of practice, the men of work, the active men, — they are greater than the idealist in bringing about the realization. The man of practice is greater than the man of words, because he places the man of words before the world. Prophet? Yes, John the Baptist is a prophet; but he is greater than a prophet,

[1] The president of the conference, Judge Stiness of Rhode Island, had introduced Dr. Hale in the following words:

Some years ago, at one of these conferences, the Rev. Dr. Hale, instead of speaking upon what seemed to us to be the important and pressing fact of the pending treaty between this country and Great Britain, with his customary insight and vigor stood for a permanent tribunal. He hammered it into our heads then, and he has finally hammered it into the heads of the nations; he said at the time that he was a twentieth-century man, and we believed it. Some of us lawyers said: "Of course these arbitrations will ultimately lead to a permanent tribunal; but that is a thing of the future, and so far in the twentieth century that we had better give our attention to the practical measure before us." Dr. Hale was like Balaam standing upon the heights overlooking Israel; he saw the whole field, we did n't. Therefore it gives me pleasure to call upon him as a prince of statesmen and of international lawyers.

because he "prepares the way of the Lord." The man who prepares the way of the Lord is greater than the man who only prophesies the way of the Lord. Nobody who has studied history at all can fail to see that the true idealist welcomes the coming of the John the Baptist.

Coming up here, as so many of you did, on the beautiful steamboat yesterday, it can hardly have happened that people's minds did not go back to an illustration of this thing, —the introduction of the great pacifying power of steam in this world. As early as 1784 a steamboat was tried on the Potomac. Late in the nineties Robert R. Livingston obtained the exclusive right to run steamboats on the waters of New York for twenty years, if he made a steamboat run the next year; but he did not, so his rights lapsed. Livingston was a man of affairs, and he was sent over to Europe to manage that difficulty of ours about the purchase of Orleans. While he was negotiating with the Emperor Napoleon about the Mississippi he became acquainted with a man who was showing panoramas in Paris, —the inventor of the panorama, —and his name was Robert Fulton. Fulton was another idealist. He went out painting portraits; went into West's office, and was a student of West's for years. But he was a "big man"; he was bigger than a prophet, let me say. Robert Fulton and Robert Livingston agreed to chip in and put a steamboat on the River Seine — and they did. They put another steamer on the River Seine; and they came over to America and put a steamboat on the Hudson, and she was named the *Clermont*. When those two practical men had put their shoulders to the wheel this world was changed, and the great pacific revolution took place which came in with the introduction of steam navigation. But it took those men to follow up the idealists.

Darwin, the poet, had sung some years before:

> "Soon shall thy arm, unconquered steam, afar
> Drag the slow barge or pull the rapid car."

In a dozen years after your two business men say, "Yes, amen. Praised be the Lord." They built the *Clermont* and sent her up the river in August, 1807.

Poor James Macintosh was over in India in one of the English cities, making his little pile so that he could go home and be a freeman afterwards, and he says in his journal, "An American has made a steamer go from New York to Albany in thirty hours; from New York to Albany is one hundred and sixty miles." Then Macintosh says, "Oh, that I had lived a hundred years later!" Macintosh really wished that he lived in the year 1907, because in 1907 London would be only one hundred days from Bombay. That is the wisest bookman of that time. In 1809 the English minister, in his diary, says that he has come on from Washington to Boston to make a visit; that from the window of his friend's house on the North River he saw the *Clermont* making her triweekly voyage up to Albany; and then he says that neither he nor any gentleman of his suite would have risked their lives upon the *Clermont!* That is about the stage we have reached in regard to arbitration to-day. We have come to this conference at about this moment. Every one of these conferences might have its name. I have attended, I think, four of them, and every one of them has been marked by a special characteristic. I cannot help hoping that this conference may be marked by the fact that the practical men of this country are going to take hold of this movement. That is all I have to say this morning.

I waited upon our friend, the chief, Mr. Smiley, yesterday, and I put into his hands this "testimony," as "we" Quakers call it. I wish it might be recast and put into the hands of the executive committee while they prepare the little paper which we send out to the world.

There may be one or two gentlemen here who do not quite understand the processes of the two conferences held here. Take the Indian Conference; that has been now nearly twenty years in operation. At the end of the conference they print their report of what one hundred and fifty intelligent men who know about the Indians have said. They do not undertake to argue it, but they state the facts. I think I am perfectly safe in saying that for the last twelve years every one of those recommendations has been adopted by the next Congress of the United States. It seems to me that is a very good way to govern the country. You have on the matter concerned — a limited matter — one hundred and fifty men brought together, who know most about it; you let them report to the Congress of the United States the way in which they would like to have it done. It is the custom of some men to speak of the Congress of the United States as an assembly of fools. That is not my custom. I have been a great deal in Washington; I have seen a great deal of the administration there, and I am more and more impressed with the great conscientiousness, the great wisdom, the great foresight of Congress. If they can get a definite report presented to them by one hundred and fifty men who know enough about the subject, they at least have enough wisdom and honesty to adopt the recommendations there made.

Now, it is with that view that I think our "testimony" at the end of this meeting ought to be prepared. I do not

think we ought to range over the whole subject. I think that we ought to lay down a definite, practical system, true and valuable on the first day of June, in the year of our Lord 1901. I do not pretend to say that I have made the best draft of the "testimony," but I hope that the committee of thirteen, whose names you heard just now, will make the draft, and I wish them to embody this "testimony" in what they prepare :

The necessity of permanent peace is now established, not only among idealists, but among all intelligent men and women engaged in the active work of daily life.

The brief "testimony" which this conference sends out annually should be addressed now to the active leaders of the nation in whatever line. Especially is it desirable that the great producers of food, who answer the prayers for daily bread of half the world, with the bankers, the merchants, the manufacturers, the educators, and all others who control the great industries of the nation, should unite in that practical direction of its affairs which shall compel universal permanent peace.

Such men of action directed the settlement of the country. Such men secured the independence of the country. They established the constitution of the country and the constitutions of the forty-five states. They developed the industries which have called into being the enormous wealth of the country.

It is to such men, and the great combinations which they control, that we must look now for the measures which will secure permanent peace among the nations.

The Lake Mohonk Conference earnestly appeals to boards of trade and chambers of commerce, to the legislatures of the states, to all unions, whether of workmen or of capitalists, to all business houses, as to all separate men and women who look and pray for the prosperity and success and advancement of this nation, to take in hand such practical measures for permanent peace as the time demands.

The executive board of the conference is requested to open and maintain communications with all who represent the great business interests of the country who are willing to join in the common work for peace among the nations.

I think this matter has got beyond the time when it can be left to the men whose profession or whose daily duty is that of poet, or author, or writer, or preacher, or singer of songs; and it has fallen to the men who direct the great interests of the country to put it forward.

I will venture to tell a little story (as Abraham Lincoln used to say) of our friend Stead, who carried through an adverse England the great measures which did so much to make the Hague conference successful. Mr. Stead is said to have waited on three of the greatest bankers of England, who direct the largest movements of capital in this world. Each one of those gentlemen heard him, and the first two said, "Mr. Stead, you have *carte blanche* in this bank; you may draw upon it for whatever expense you need in this great peace crusade." The third banker said, "We don't do business in that way, but we have opened a credit of £10,000 to your honor, and when that is gone you will come to us again." Mr. Stead wanted to rent a fit and therefore expensive office in London; he wanted, perhaps, forty clerks for correspondence; he wanted to send speakers all up and down England, and to send delegates to conferences in Europe. The men who backed him up in it were the men who represented three of the richest corporations in the world; they gave him *carte blanche* to spend as much money as he wanted.

We had that thing stated here some two or three years ago. Professor Coombs, Edward Atkinson, and Professor Clark showed to us in the most distinct and feasible way that all this great industry which you praise God for, all this wealth, these rivers of oil flowing up north and south, west and east, all belong to the cause of peace.

Mr. Holls showed a year ago here, in that charming speech of his, which I have read but was not able to hear, that the business went through at The Hague, not simply because they had a hundred of the wisest men in the world there, but because behind the American delegation were the American people, showing in every action that they meant to have this thing go through. He told me that thirty-six poor parsons, in a town in Oregon that you never heard of, put in a dollar apiece to send a cablegram to him to urge on the governments of Europe the importance of peace. He told me also that the piles of messages, coming as they did from Sunday schools and churches and boards of trade and other public bodies in America, attracted the attention of the delegates at The Hague as no other demonstrations did.

Now we want to carry that thing out a hundredfold. We want to show, in whatever way and by whatever practical measures we can adopt, that the People (with a large "P") all the way up know that wealth as wealth is merely vulgar, and that they mean to have peace among the nations, and that the next century is going forward upon that principle.

I had meant to say something here of the effect which was produced upon the diplomacy of the world by two or three New York merchants whom I could name, when we had the terror about the Venezuelan matter. How was that flurry stopped? It was stopped because some two hundred men met together in the city of Washington and said, "As God lives we shan't have this thing done!" It was not done. Two hundred men from forty-five states of the American Union and from five territories of the American Union, leading men from those states and territories, — I see a number of them here, — presidents of colleges,

directors of railroads, leaders in steamboat navigation, great philosophers. I heard it said at Washington again and again that they had never had such a meeting before. How was that meeting called? Four or five New York merchants met in conference, wrote to their friends all over the country, and such men as Mr. Paine and our president here, and others, — men in whom they had confidence, — met and talked the matter over for two days. We did n't hear anything about war after that. That is the sort of men that you want to enlist in this service, — to get these men to recognize that all great industries depend on peace and must have peace. Peace means civilization; peace means government by law; peace means invention.

Has it ever occurred to you that while the Napoleonic wars went on none of the great inventions got themselves established in Europe? This business of the steamship had to be established over here, and it was not till after the treaty of Vienna that it was established on the rivers and lakes of Europe. It is even said that in times of war you do not make and sell as much gunpowder as in times of peace; that the gunpowder used by the armies and navies is more than offset by the amount of gunpowder not used during war in mining and other business. War breaks up the honest industries of the world, — the making of roads and of railroads and the opening of mines. The truth is that business is so much checked in every great war that the little rise in the price of beef and sausages and that sort of thing is as nothing in comparison with the industries that war abolishes.

The men of business, I think, are ready for any such proposal as this. I think we shall find that as young men come forward now at our commencements they will ask us

what they can do in the cause of peace. I am going to Columbus, in Ohio, next month, to talk to five hundred of them on that business. I shall tell them that the great future of the world is universal peace, — peace between the black and the white man, and the red man and the gray and the yellow man in America. Then it is the taking out from the crowded slums of London and New York the poor white little creatures that are growing up there, and putting them on the open fields where they will be under God's sky, in the Indian Territory, on the irrigated plains of Arizona. The great peacemakers of this century are to be the men who build the four-track railway between Quebec and the South ; the men who build the four-track railway between the Atlantic and the Pacific, between Cairo and the Cape, so that we can take the people from the places where they are crowded and put them where there is plenty of room.

The men who will speak in the Mohonk conferences ten years hence are to be the men who carry through the great practical enterprises in which God works with man and man works with God ; in which the child of God shows that he bears his Father's nature by being himself a creator ; in which God bids his waters flow from the Rocky Mountains, that the plowboy in Dakota who is the son of God may work God's will in turning that water into food, so that the old widow on the Grampians who prays, " Give me this day my daily bread," may have her prayer answered by the work of God and his children together.

Dr. Hale (in a discussion later in the same session) : The immediate question before us seems to be, Should not the United States government have a Secretary of Peace

as well as a Secretary of War? . . . I do not see the gentleman present who, I think, meant to make the statement which I make now; which is, that our lamented companion and friend, General Harrison, the head of our judges in the Hague Tribunal, expressed during the latest weeks of his life his intention of being present at this conference. He was greatly interested in this work, and was looking forward to it with great enthusiasm.

I will say, because I think it may have escaped the attention of some of those present, that General Harrison's description of and reference to the Hague conference, in his closing speech at the Venezuelan arbitration, is one of the greatest tributes which the Hague conference has ever had, and shows how deeply he felt on the subject. He was the counsel for the republic of Venezuela in that arbitration at Paris, and it was that fact that prevented his attendance at The Hague. But he followed its proceedings with interest and he testified to its value.

In his final argument before the arbitration tribunal upon the controversy between Venezuela and Great Britain, General Harrison used this language:

> Mr. President, it has been to me a matter of special interest that the president of this tribunal, after his designation by these two contending nations for that high place which assigned to him the duty of participating in practical arbitration between nations, was called by his great sovereign to take part in a convention which, I believe, will be counted to be one of the greatest assemblies of the nations that the world has yet seen, not only in the personnel of those who are gathered together, but in the wide and widening effect which its resolutions are to have upon the intercourse between nations in the centuries to come. There was nothing, Mr. President, in your proceedings at The Hague that so much attracted my approbation and interest as the proposition to constitute a permanent court of arbitration. It seems to me that if this process of settling international

differences is to commend itself to the nations, it can only hope to set up for the trial of such questions an absolutely impartial judicial tribunal. If conventions, if accommodation, and if the rule of "give and take" are to be used, then let the diplomatists settle the question; but when these have failed in their work, and the question between two great nations is submitted for judgment, it seems to me necessarily to imply the introduction of a judicial element into the controversy.

I have taken this report of Mr. Harrison's remarks from "The Peace Conference at The Hague," by Frederick W. Holls, D. C. L., a member of the conference from the United States.

THE UNITED STATES AND THE UNITED WORLD

(Closing Address at the 1901 Conference)

I had promised myself the pleasure of summing up in a few words what we want to remember, "lest we forget" the pregnant lessons taught us by Mr. Logan; the very important suggestions made by Mr. W. Martin Jones; the invaluable advice which the chairman of the committee gave to his clients, which I wish he would give to all of us — to take their case before the Hague Court; and the masterly statement of Professor Clark. There is enough for us to consider as the year goes on, if we really mean to carry this thing forward. If we do not mean to do this, let us never come here again.

Let us go home thanking God that we are the representatives of the people of the United States. I think the motto of this conference might well be the words which were spoken by a statesman of our own country sixty years ago, soon after the American Peace Society was born, when he said, "The United States of America is the greatest peace society that God's sun ever shone upon." That is the truth. It is a society consisting not of four hundred people, or four thousand people, but of forty-five states, that first of all in the Christian civilization, in modern civilization, agreed to stand together, to bear each other's burdens, "that they all might be one," — to take the most sacred of phrases, *E Pluribus Unum*, "one made out of

many"; and who, best of all, appointed a tribunal which should hear all disputes arising between themselves, and should decide them.

The telegraph, the railway, the telephone, everything of that kind, has tended to bring the sixty-seven nations of the world into a closer relation to each other than the thirteen colonies were in the year 1785. The thirteen colonies had the wisdom to come together, and to bind themselves together in a nation with a life of its own. The United States has thus given a great example to the sixty-seven nations of the world, and they, by a very long step, — a step which surprises us, — are following our example. I do not think we ought to lose that grand pride of leading the way.

I should say that the greatest peace document — if you please to call it so — ever issued by the United States was when, a few years ago, it heard that the people in Russia were starving, and sent five thousand tons of food to the relief of that empire, which was one of the first nations to recognize the United States when it was an infant. This was done not by act of Congress, not by acts of the state legislatures; it was done by the farmers and the mill owners of the great valley of the Mississippi, giving lessons to us upon the seaboard as to the way in which one brother in the family of nations takes care of another brother.

Mr. Edgar, the head of that enterprise, has published a book about it. When they arrived in Russia, he says, archbishops and bishops were there to bless the food as it started on its way. It went into I don't know how many districts of southern Russia, and the consequence is that to-day the Russian peasant who knows nothing else about America knows that it is the country which fed him when

he was hungry. That is what happened when the people of the United States chose to feed a people whose language they could not speak, of whom all they knew was that they were brothers in a world in which all men are made of one blood, in which all men have one Saviour, and in which all men are children of one God.

I cannot help thinking that there may be occasions when a peace tract like that may be sent out by this conference to some starving province of China, to some starving island in the Pacific.

What has been said to-night of the power that each of us has of going out into the world to maintain this Gospel of love, of glad tidings, which makes the world really one, is something well worth our remembering. And if we do remember it, it will carry the work of this conference to another year, and perhaps to another generation. We are all scattering to go home to the forty-five different states, but I am sure we feel more than we ever felt, that we are all brothers and sisters in one work, and we thank God that he has so ordered things that each one of us has a share in the duty, in the responsibility, and in the blessing.

THE SECOND PAN-AMERICAN CONGRESS

(Address at the Ninth Conference, May 27, 1903)

I have been permitted by the committee to say something on the subject which has interested me, I believe, more than any other in the last year, which seems to me to have been unduly passed by, and that is the success of the second Pan-American Congress in Mexico. I am not going to say it with any attitude of American boasting, but our own delegates to that congress were statesmen up to the very noblest point of statesmanship. They knew how to hold their tongues. They were instructed not to make a fuss, and they did n't make it. And among ourselves it is well to say, I think, that they had absolutely their own way because they said so little.

Now that second conference was exactly in the line of the noble diplomatic move of Americans for the last thirty years. Mr. Blaine's first Pan-American Congress for many reasons was not received with the distinction that it deserved. The second Pan-American Congress, which has done a very great work, is scarcely remarked by our writers; but I do think that here we ought to bear in mind the duties which the second Pan-American Congress has brought upon us. Therefore it was that I asked the privilege of speaking for ten minutes about it.

In the first place, they came together, and "together" is a very great word. If the Hague conference had parted

without making the three great conventions which it did make, the mere fact that a hundred of the noblest and wisest men in the world had sat in the same room for nearly a hundred days would have been a great step forward. Now here nineteen nations sat together in the city of Mexico. I do not understand why Canada could not have been represented, though perhaps Mr. Chamberlain or Lord Salisbury does. But there are many things about the British government which we do not understand, thank God!

There came the Latin-American nations, as we like to say. The delegates came with chips on their shoulders, and they were perfectly determined that the chips should be knocked off, so that they might take offense and withdraw. Mr. Hay simply said to our five gentlemen, "Take back seats and hold your tongues." Well, now, they were men who could talk well. If Dr. Moxom will permit me to say so, they could talk better than ministers; but they were also men with this sublime gift, that they could keep their tongues between their teeth and could keep still, — and they did. The result was that the Pan-American Congress achieved great results, and it committed the nineteen nations of America, those who had been represented at The Hague and those who had not, to the conclusions of the Hague conference. So that now we can come here and say that more than forty of the greatest nations of the world are in the Hague Tribunal (for they will be in it in a short time), whereas before we could only say there were twenty-six nations represented there. That alone, if nothing else had happened, would have been a very noble laurel for the Pan-American Congress.

But I think it went forward, and went forward in the great step of simplifying government, by enabling the

parliaments of the world to act on matters which have been well threshed out, well discussed, and not be obliged to approach them as individuals. In our own legislature in Massachusetts there come together some two hundred and eighty men who have to study up a variety of subjects, and they do it extremely well, and at the end of six months they retire with certain results. But how much better they could do it if, before they met, a body of experts should report on what is and what is not the fact about those matters! There is n't another so good an illustration in the world as here, where for twenty years there has been a conference about Indian affairs. They meet in this very hall once a year, and they draw up a statement of the things that ought to be done and that ought not to be done about Indians. And that statement, — the press lets it alone if it chooses, — but that statement goes to Congress, and when the Indian committees of Congress meet they have in one hundred and fifty words a statement of what the experts report should be done about the Indians. And anybody who follows up the legislation of the last five years will find that that determination of the experts as to what is desirable has had a very large effect upon the legislation of Congress about Indians. You have seen the very same thing when the doctors have got together and determined what ought and what ought not to be done about quarantine, for these doctors know more about quarantine than chief justices or business men.

Now the Pan-American Congress had certain things which it thought important to be done. One of those things was this very regulation of quarantine between the nineteen nations. It proposed that the different governments should appoint commissions or committees on quarantine, and that those committees should meet in the city

THE MOHONK CONFERENCE PARLOR

During the conferences seats are provided for four hundred persons

of New York in the year 1902, and should then determine and put on paper what would be good regulations for quarantine.

It proposed, in the second place, in regard to the mere machinery of customhouses, that the nineteen nations should appoint delegates who should meet in New York and determine what would be good rules about shipping and invoices, and about the methods of keeping customs' accounts, etc.

They proposed, thirdly, because the coffee industry of the world was in a very bad way, that every coffee-raising nation and every important nation should appoint a committee to meet in New York and report what would be good legislation and what would not be good legislation on coffee.

I never have seen in any of the journals of the country any report of the meeting of either of these three committees on the subjects of quarantine, customs, and coffee. But none the less those committees all met and made their reports, and those reports are now in the hands of every government of the nineteen. They are in the hands of our government, they are in the hands of the governments to the south of us, and they are the material for the legislation of this new year.

Now I am talking to two hundred and fifty sensible men and women, and I like to say to them that I think this business of inaugurating government by experts is a thing of the very first importance, and I can't help wishing that this conference here may signify to the Congress of the United States its impression that it would be as well to follow up the decisions of these expert committees by the proper legislation. It is precisely there that we come to one of the largest duties which we can perform.

Charles Sumner said to me years and years ago, speaking of treaties when they were brought to the Senate of the United States, — I rather think that President Foster knows something about that, — he said that treaties were like foundling children left on the steps of the Senate Chamber, that nobody cared anything about a treaty when it got to Congress.

Would n't it be a good thing if we could press the Congress of the United States just to take up these three babies that are lying on its doorsteps now, and do something about them! And would it not be a good thing if the pressure of this body should be brought to bear on the House of Representatives and on the Senate of the United States, to say, "When you have come to the edge of the river and have built the bridge, would it not be as well to cross the river?"

The last thing I want to speak of is the great Pan-American railway. Mr. Blaine, in the great foresight which called together the Pan-American Congress, put Andrew Carnegie at the head of the committee for an international railway between the Arctic and the Antarctic circles. Mr. Carnegie at that time expressed the interest which he has never lost in this railway. They appointed a commission to survey the route for this railway. This commission divided its work among eight engineering bodies. It took ten years in making the surveys, and completed them, I think, in the year 1895. Fortunately for the world, at the head of those engineering commissions was the head of the Pennsylvania railroad to-day, Mr. Alexander J. Cassatt.

When I speak of the subject everybody laughs. When I say that Mr. Bates, the great English botanist, after

residing eight years in the valley of the Amazon, said, "Although humanity can reach an advanced state of culture only by battling with the inclemencies of nature, — high latitudes, — it is under the equator alone that the perfect race of the future will attain to complete fruition of man's beautiful heritage, the earth," everybody laughs at him. They say that it is a place for monkeys and butterfles, but not for men.

But before I sit down I would like to remind you of what Robert Livingston said one hundred years ago to-day in writing a letter to President Jefferson. He said: "I have told them all that we shall not send an emigrant across the Mississippi in the next hundred years." If any one had foretold then the great population which the next hundred years would see in the valley of the Mississippi he would have been called a crank. And that is what you will say of me when I tell you that the completion of the railway between the north and the south of the American continents, and the populating of the valley of the Amazon, and making the people of North America acquainted with the people of South America, will be the result of the work of the next hundred years.

Dr. Hale offered the following resolution, which was referred to the business committee:

Resolved, That the executive committee be requested to call the attention of every member of Congress, and of both committees on foreign relations, to the special requests of the Pan-American Congress regarding the International Railway of North and South America, and of the committees appointed by the Pan-American Congress which have recently met in the city of New York.

THE CREATION OF PUBLIC OPINION

(Address at the Tenth Conference, June 1, 1904)

My business is to ask the conference to stick to its business. I am to speak two or three minutes on the importance of our doing something, and of the importance of our following the lead of the great leaders of mankind, that is to say, the men of affairs who contribute a great deal more to this business than anybody else does. It was very striking at Washington, on the occasion of the second great national conference held there under the lead of our distinguished president of last year, the Hon. John W. Foster, to see the effect produced on the spirits of people by the presence there of men of business, — men who know how to cash a check, and such things as, in general, divinity students do not know.

I am bound to say that the great effect that conference was to produce was neutralized for the moment by a certain unpleasantness which I am not permitted to allude to now, between two nations which I am not permitted to name, which happened to attract the attention of Argus-eyed press. At that moment the press was engaged in recounting the great horrors which had taken place in another part of the world; and from that moment to this you will find more columns devoted to a single ounce of dynamite than you will find, for instance, devoted to the proceedings of this conference.

All the same, the event to which I have just alluded and of which I have not yet spoken, the great events which took place in another part of the world, of which I will make no further mention, have done a great deal to reënforce the lessons of Bloch's sixth volume, which every person in this assembly ought to read. Bloch's sixth volume shows us what the wars of the middle of this century are to be, if there are to be any wars then; shows what it will be to make war with another nation which can throw a shell, say twenty miles, so that it would be an easy thing for an advancing army to drop a shell through this building at a distance of twenty miles when we did not know, perhaps, that they were there.

A little after the meeting of the national conference there was introduced into our Congress the Naval Appropriation Bill for the year, which appropriates more than $100,000,000 for the expenses of the navy, $22,000,000 of which amount was to be used in the construction of two battleships. It has cost perhaps a quarter of that amount to make Harvard University what it is in two centuries and a half. A friend of ours, Mr. Burton of Ohio, whom I am sorry not to see here, had the courage to oppose that appropriation. He said we already have the best line of battleships in the world, and he thought we could get along for twelve months without those two additional ships. It is gratifying to be able to say that the advance of public opinion in this country is such that Mr. Burton gained two votes in support of his proposition.

I think you will agree with me that the very definite fact which Mr. Bloch had long ago pointed out, that, as a gentleman said to me just now, "a little gray painted squid of a thing which you cannot see across the water can put

out of existence the famous line-of-battle ship — and alas! with her the thousand men in her,"— I think that that object lesson proposed to the world may be considered as one of the greatest elements in the advance of the world towards international justice which has been made within the last twelve months.

There is a certain sovereign whom I must not allude to, who called into existence the Hague conference; I believe still that he is one of the great pacificators of the world. But I like to speak here of a great sovereign of whom perhaps the world did not expect so much, the seventh Edward of England, who has won for himself the title of the "great peacemaker of the world," and who we may hope is now harboring plans which may make peace between the two belligerent countries.

I have had the pleasure and the honor of living in Washington for the last four or five months; and I like to say here that if Congress seems to be — as has been implied by our friend who has just spoken — a little laggard in the affairs of our negotiations, perhaps there may be more under the surface than is put in the front lines of the newspapers every day, and it may prove that a little Fabian delay may produce a better result than a sudden movement. After the severe rebuff which Mr. Olney and Lord Pauncefote received after one of their great endeavors, which has put their names in history for the next thousand years, — after the rebuff which they received by the rejection of the Olney-Pauncefote treaty, the government of this people has known that it must depend upon a strong public opinion behind it if it means to go into anything of this sort.

I do not believe that the people at large apprehend the effect of what are called "sewing-circle politics," of what

are called "go-to-meeting politics," and so on, on the affairs of nations. But our distinguished friend, Frederick W. Holls, to whom, as I believe, the world owes the three Hague conventions, who has been called to higher service since we last met here, told me a little anecdote of what he believed to be the personal effect of public opinion. He was talking with one of the foremost diplomats in the world at a very critical moment in the Hague conference, and he said to this diplomat, "If your master wants to be remembered with more contempt than Napoleon III, he will block this Hague business; for the people of America mean to see this thing go through, and, as your master knows, the people of America are to be the dominant power in forming the opinions of the twentieth century." To which the foreign diplomat replied: "The people of America,— what do you know about the people of America? Every delegate at The Hague receives instructions from his Foreign Department once a fortnight; you receive yours. What do you know about the American people?" "Once a fortnight!" said Holls. "Here is what I got this morning; let me open my mail." And he opened message number one, a telegraphic dispatch of thirty-one words from thirty-one Baptist ministers in a county that you and I never heard of in the State of Washington, instructing him what he was to say to the emperor of Germany and the emperor of Austria and the king of England about this treaty. "You have been in America, count," said Holls; "you know what a meeting of Baptist ministers is. These poor fellows have met together out there in Washington, and each one of them has chipped in his dollar bill that that dispatch might arrive here this morning, and I have it here now." The man said, "Might

I have a copy of that?" "Have that," said he; "show it to your man if you want to." And Holls told me that two or three such instances of the real public opinion of the real people of this country, as he believed, determined the opinion of one at least of the greatest sovereigns of the world as to what was the public opinion of America.

Now what you and I have got to do is to create and organize and give voice to that public opinion. We ought to think with the greatest thankfulness of the work of the associations in conducting the correspondence of the Commission for International Justice. I have found no correspondents so much interested as the state secretaries which Miss Willard created a dozen years ago. There is a committee of the W. C. T. U. — the chairman of which committee, Mrs. Hannah J. Bailey, is present with us in this room — for the voicing and publishing of what can be known about the arbitration business. And if you will permit me to say so, that is exactly what we are here for. And if we can organize, before we go away, a propaganda which, in a dozen of the principal cities, shall bring together the leading men, such men as Judge Foster himself, as Judge Gray, as Provost C. C. Harrison of the University of Pennsylvania, as the leaders of St. Louis to-day, — bring them together to have this work done, — we shall bear a share which we shall not be ashamed of in the politics of the next century.

Dr. Hale (in a subsequent discussion at the same session): If no one else rises to speak, here are a few words of Frederick W. Holls, the author of the history of the

peace conference at The Hague, which I think are worth reading here. At page 368 he says:

Under these circumstances it seems most fortunate that at the very time when the old order is changing, the foundation should be laid of a system which will encourage an even higher development along traditional diplomatic lines. To say that the new system will make diplomacy unnecessary is simply absurd. With the adoption of Magna Charta and the development of English constitutional law the rude clerics who, before King John's time, had assisted the ruder litigants, were superseded by the glorious company of English jurists, whose services to the cause of liberty can hardly be overestimated. The change in diplomacy will be similar.

Then he goes on to say:

To the question, What remains to be done to insure the success of the work of the peace conference? the reply is quite obvious. Public opinion remains the final source of power and success in public affairs, for an institution as well as for an individual. To the creation of favorable public opinion every intelligent and patriotic man or woman in the civilized world is called to contribute his or her share, be it great or small. The response of the English-speaking public to this call has never been doubtful. But even in those continental countries where dense ignorance, insipid wit, and the silliest sarcasm seemed to take the place of intelligent and decent discussion of the conference and its work, there are signs of dawn and enlightenment.

It is most encouraging and of the highest importance that upon the whole continent the governments are apparently in advance of public opinion upon the entire subject of the peace conference. The reason is not far to seek. No man who is fit for the position can to-day hold a place involving the direction of his country's international policy without feeling an almost intolerable pressure of responsibility. To him every remote chance of a lightening of his burden comes as a promise of blessed relief. It is an historical fact that none of the obstacles to success which the peace conference had to overcome, originated in the mind of any sovereign or high minister of state. In every case they were raised by underlings without responsibility, and anxious to show superior wisdom by finding fault. So long as this favorable governmental attitude continues there is every reason for encouragement.

It seems to me that is a very important question to us in keeping the public opinion of the sovereign of this country — who is the people — alive and strong.

Dr. Hale (at the fifth session of the 1904 conference): I am instructed to propose a report with regard to the Literary Bureau which has been proposed here. It is sufficient to say that Mr. Maynard of the Associated Press, who knows more about the subject than all the rest of us put together, in a spirit of self-sacrifice has engaged to keep the journals well supplied with short articles. I have had a good deal myself to do with supplying the longer articles, and I know that nobody reads them.

I will not sit down without saying a word which some one must say before the conference adjourns, with regard to the great loss which the world has sustained in the death of two of our most important citizens. They were not members of this conference; at least, one of them was never here, and the other never came but once; so that the very proper rule laid down about reference to deceased members does not really apply in this case.

In the death of the Hon. Frederick W. Holls of New York the great cause of arbitration lost, shall I say, its strongest working adherent. I say with perfect frankness, and I believe everybody who knows the facts will say so, that probably we should have had no Hague Court if it had not been for the providential presence of Mr. Holls as the secretary of the United States Commission. Mr. Holls was a recognized authority on the subject of international law. He did not care to go into politics; I think the only political office he ever held was in the constitution-making

congress of New York in Albany. He is missed by the poorest people in New York to-day. By the providence of God, Mr. Holls, at the appointment of Mr. McKinley, was secretary of our commission at The Hague. The stories he told of the hard passages there, — I repeated one of them here the day before yesterday, — the stories he told were sometimes pathetic, sometimes tragic. But I repeat what I have said before: there would probably have been no Hague Court but for Mr. Holls, and his great history of the Hague conference is the authority.

The other gentleman whom I wish to allude to is the gentleman who called together the conference at Washington eight years ago, at the moment when war threatened between England and America, — the late Hon. William E. Dodge. I rather think it was his purse that supplied the expenses of that great convention. They got together more than two hundred of the most distinguished men from the forty-five states and the territories.

I must add that Mr. Holls and Mr. Dodge both died suddenly, — two men of whom people say "the world was not worthy." The world was worthy of them because the world was made by God, and they were working with him to save the world. It is certainly encouraging to men who are not in office to know that two such men in private life were able to do what they did for the great cause which engages us here.

Dr. Hale (supporting the resolution of thanks to Mr. Smiley at the close of the 1904 conference): I am permitted to speak for the hundreds of people around me who would like to second this motion. I should like to

say a single word as to the history of the work here, because it is a striking illustration of what one determined man, especially if he is assisted by a family, can do in a cause like this. I think I am right in saying that it was as long ago, general, as Grant's administration, when he determined to break the influence, as he did, of the infamous Indian ring in Washington. Our friend Mr. Smiley was put into what General Grant called an Indian commission, — an unpaid board of persons who met in Washington to look after the Indians. They attained their object, and what people called "the dishonor of America" with regard to the Indians ceased with the administration of General Grant. Mr. Smiley called the first Indian conference together here, when this hotel was not the palace which it is to-day; and I suppose the success of that Indian conference induced him to call together this congress of men who believe in one thing, who believe that international arbitration may take the place of international wars. They believe in it, they think about it, they study about it; the writers on international law join them; the business men and the thoughtful men join them; and you get, once a year, a meeting of experts here. I believe that you already see the effect of this congress of experts; you do when you get a dispatch like that from the chief magistrate of the country. You find that people know what they are talking about because once a year a congress of experts has discussed the matter. I consider it a very great thing to have been the inventor, shall I say, of this congress of experts; and I think I but voice the feelings of this whole body of people in thanking our friend for bringing us here. I second the resolutions.

RESULTS OF THE FIRST HAGUE CONFERENCE

(Remarks at the Thirteenth Conference, May 22, 1907)

Mr. President, Mr. Smiley, Ladies and Gentlemen:

I hope the motto of the three days is to be that we and the Hague conference will do what we can, and will not talk about the things we cannot do. I would like at this moment to say that we need not go back to 1899 simply, but that in the treaty made by the United States with the king of Prussia, when we were all subjected to the heresies about the domination of the seas in 1785, the inviolability of private property at sea was asserted by both nations, by Prussia as well as by America, and was introduced as a principle into the diplomacy of the world.

This is to be said about disarmament, — that we have time with us. The admiral of the Atlantic fleet told me ten years ago that there was not a weapon in existence in the United States navy except what the gentlemen themselves called the "toasting fork," which is the little side sword which is worn once a year, — there was not a weapon in existence in 1895 which was used in 1865; that all the rest had gone into the junk heap, and most of it had been melted up by that time. When I saw that the Congress of the United States passed by a vote of ten or twelve, I think, — the vote we would go one better and have one Dreadnought more, I had the satisfaction of thinking that at the end of fifteen years the new

Dreadnought would be in the junk heap and disarmament would have taken care of itself.

One of the most distinguished of the representatives at the Hague conference this year told me this winter that he had no doubt whatever, — he was resident in Europe at the time, — he had no doubt whatever that the existence of the Hague Tribunal and its settlement had prevented war between England and Russia. What they chose to call the "Dogger" incident — when a Russian frigate, they did not know why, fired into some poor English fishermen, they did not know why, had stimulated England (no wonder) to immense excitement. The newspapers, of course, wished for war, and the "Dogger" incident came in as a very fortunate event in the great business of journalism, which has to make a fuss about something every day. A great many people thought there would be war, but somebody recollected the arrangements of the last Hague conference. The Russian fleet was compelled at Gibraltar to give an account of itself, the proper board of arbitrators was appointed, and now we have forgotten there was any "Dogger" incident, you have forgotten there was any Russian fleet, the Russian fleet has gone to the bottom of the sea, and the First Hague Conference was entitled to credit for the pacification of Europe through that period. That is a feather in its cap which it is worth while for us to remember here; if (and we have a very strong cause) we can place reliance in our new delegates at the Hague conference that they will not try to do what is impossible, and if we can place reliance on the good sense of the great delegation there that it will do what is possible, all the bright auguries of this morning certainly may be fulfilled.

I am glad we are to have an opportunity to hear the distinguished man to whose eminent wisdom the Hague conference owed so much in the beginning. I will tell something which Mr. Holls, the secretary of our delegation then, told me, — that many of the gentlemen who were appointed to the First Hague Conference by their sovereigns came to that meeting utterly hopeless. Mr. Holls told me that one of the most distinguished diplomats there said, "What did my sovereign mean, after I had served him forty years as best I could, — why should he have put me on the shelf by sending me to this Hague conference?" But ninety days changed all that; under the lead of our distinguished friend here, Andrew D. White, under the lead of America and England and Russia and Germany, the world's peace was assured, at least for the next eight years, and, as some of us hope, for eight and eighty years to come.

Dr. Hale (in the discussion of the platform of the 1907 conference): I hold in my hands the resolution passed unanimously by this body a year ago. "*Resolved*, That the Twelfth Annual Lake Mohonk Conference" proposes three measures, of which the third is:

A plan for the restriction of armaments and, if possible, for their reduction by concurrent international action.

That is what this conference committed itself to twelve months ago, and that has been sent over the world, and that very language, I think, has been adopted in the papers alluded to by Mr. Mead.

ADDRESSES BY DAVID J. BREWER

KEEPING TO THE HIGHEST IDEALS

(Address at the Tenth Conference, June 3, 1904)

Mr. President, Mr. Smiley, Ladies and Gentlemen:

I came here to listen and not to talk; but I was met by the chief justice of the Supreme Court of Rhode Island, who declared that I must say a few words. I made my objections; they were overruled; and the Supreme Court of the United States bows to the mandate of the Supreme Court of the smallest state in the Union. I have the satisfaction, however, of knowing that as I continue to talk I shall be heaping coals of fire on his head, and that when I am through you will be satisfied that my objections were well taken.

I listened last night with interest to the earnest, positive declarations of these representatives of the business associations of the nation. One, as he listened, could not help feeling that the time was near when international arbitration was to prevail, and yet there was something in them that reminded me of the declarations of political conventions, which always assert victory in the coming campaign. I cannot but think we ought to bear in mind that movements so vast and so changing the relations of nations as international arbitration do not come to fulfillment in a day. I recall a little incident in my early life. My aged

grandfather, Dr. Field, when in 1857 that wave of religious feeling went over the land, was spending the last of his days in Stockbridge, where as a young man he had been pastor. That wave touched Stockbridge, and one afternoon a large number united with the church, some of them gray-haired, who in earlier days, as young men and young women, had listened to his preaching. When the exercises were over he leaned forward and in a trembling voice said: "I know the millennium is nigh. I am an old man, and I may not live to see it; my children have grown to manhood and womanhood, and perhaps they also may not see it; but my children's children I know will see the coming of the glad day." The old man has passed to his rest, all but one of his children have followed him, nearly half of his grandchildren are with him on the other side, but the glad millennium day is still away on in the distant future. But he saw it. Just as certainly as John in the island of Patmos saw the descending New Jerusalem, that old man with the eye of faith saw the millennium day. And so, although we shall not live — not one of us — till the time when universal international arbitration prevails, we can see with the same eye of faith that day dawning upon the face of the world.

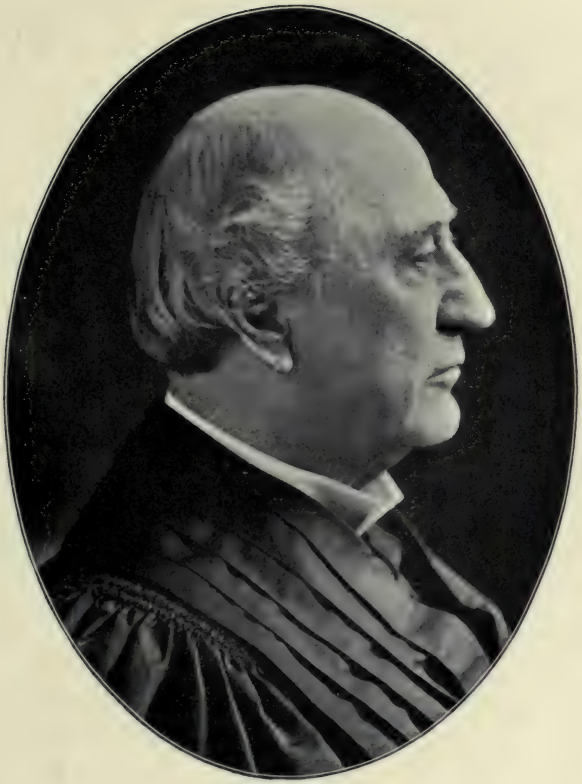
We have no right to expect its immediate coming, great as is the feeling which prevails, in this country at least. Did you ever stop to think of the unnumbered centuries that have rolled by since mankind first tried to secure within the limits of each separate state and nation the settlement of all disputes by arbitration, by courts, through the exercise of the judicial function? And back of all such efforts has been the organized power of the state to

compel obedience. Can we expect within two or three centuries to bring all the nations of the world, over whom there is no power to compel obedience, to accept international arbitration as the only way of settling disputes, into some of which so much of feeling, so much of interest, will always pass?

Yet we are working toward that end, and every effort that is made to-day by the noble men and women of this country to bring on that day will also bring the comfort of the sweet thought that they are working with the Almighty toward the grand result which will come when the days of peace prevail. It is glory enough to be able to say in respect to these efforts, *Quorum pars fui*, "part of them I have been."

While there is no power to compel international arbitration like that which compels obedience to the decisions of national courts, there is one growing stronger and stronger, — the power of public opinion.

I do not know that I was ever more impressed with the significance of that than in connection with my work as a member of the Venezuelan commission appointed by President Cleveland. That commission had absolutely no power; it was called upon by him to investigate and report the true division line between Venezuela and the British possessions; and yet its decision, if it had ever come to one and had declared what in its judgment was the true line, would have bound no nation, neither England nor Venezuela, which had taken no part in its establishment, nor even the United States. In fact, it would have bound nobody in the world. And yet, no sooner had the commission been organized than the two governments of Great Britain and Venezuela each proffered



DAVID J. BREWER

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it all possible assistance in securing information. There was nothing which each of them was not willing to do in the way of opening its doors, — the doors of its libraries and its archives, — inviting us to search and find the truth. Nor was it confined to the two nations especially interested; Holland and France and Spain made a like proffer of assistance, and from the Vatican Library we gathered much information.

What did this signify? It signified that the two nations especially interested, although they knew that, whatever the conclusion reached by that tribunal, it had no legal force and effect, yet felt that the great power of public opinion was behind it, and that it was not wise to defy that power by ignoring the judgment which should be reached by those five gentlemen, believed to be impartial and intelligent.

That same power of public opinion stands behind this movement for international arbitration. It has gone farther, and compelled the nations to assent to it.

Sometimes in the papers, sometimes in private conversation, you hear a sneer at the Hague conference as a goody-goody thing, which meant nothing practically. I am willing to admit that the machinery of an international tribunal provided by that conference is not perfect — far from it; but the significant fact is that the civilized nations gave their assent to the thought of international arbitration, proclaimed their adherence to it, and provided any sort of a tribunal. It is the beginning of the end. We sometimes say that the War of the Revolution was won at Yorktown and the independence of the United States established there. In one sense of the term that is true; but the question of the independence

of the United States was settled when the farmers at Lexington and Concord fired the shot "heard round the world." The die was then cast, and the afterwork was the mere machinery to put into force the decision then made.

Some of you who are as old as I am remember when the news came of the firing on Sumter; how with saddened hearts we listened as the telegraph reported the changing conditions of that fight. It was a gloomy day, and we did not see the outcome; but a diviner eye looked through the flames as they rose from the bombarding cannon, and saw the destruction of slavery and a closer union. The question was settled then.

And so I say to-day that, while we have years and perhaps centuries before us, the question of international arbitration was settled by the Hague conference and by the assent of the civilized nations of the world given to its protocol.

I will add just one thought. We are here expressing the moral sentiment of the nation in reference to this movement which promises in the future the days of universal peace; and in such a gathering as this, such a representative body, it seems to me the duty is to hold everything up to the highest level. Last night, in remarks made by some of the gentlemen, they said they were in favor of a great navy and a strong army, but that at the same time they were in favor of international arbitration. Well, I am not here to say that they copied the position of the politician in Kansas who declared he was "in favor of the prohibitory amendment, but against its enforcement." They undoubtedly recognize the present condition and the pressure of existing facts. But here we are not legislating;

we are expressing the moral thought of men and women of this land, and in expressing that, it seems to me, we may wisely keep ever to the highest ideals. The Master in his life and words always stood way up, as we sometimes say, almost in the clouds; every utterance was along the highest lines. And those ideals have stood before the world, and will stand till the end of time. It is a glorious thing for every man and every woman to have high ideals.

> Fear not to build thine aerie in the heights
> Where golden splendors play,
> And trust thyself unto thy inmost soul
> In simple faith alway;
> For God will make divinely real
> The highest forms of thine ideal.

So let us ever keep before us those highest ideals of peace and international arbitration, and then humanity the world over will look to this conference as a leader — and thank God for Albert Smiley.

The day will come, my friends, — as I said, we shall not live to see it, — but the song of the angels at Bethlehem is prophetic, and though through saddened and blood-stained centuries humanity has traveled and will travel, yet the echoes of that celestial music are sounding louder and louder in the human heart, and the time will come, the blessed time will come, when "the whole earth gives back the song which now the angels sing."

THE ENFORCEMENT OF ARBITRAL AWARDS

(Address at the Eleventh Conference, May 31, 1905)

Mr. President, Mr. Smiley, Ladies and Gentlemen :

I know you all regret the absence of Dr. Andrew D. White, and I more than any of you, for he was to have occupied the time this evening which I am called upon to fill.

We meet as a peace conference while a great war is raging, and just after the greatest naval battle of a hundred years has been fought, in which a dozen or more ships, with their crews of from fifty to fifteen hundred men each, have been sunk in the ocean. At such a time as this it seems to me appropriate to quote the words which are so familiar to us all:

> Watchman, tell us of the night,
> What its signs of promise are.

And there are signs of promise. One thing which has been suggested here to-day was that the very greatness of this war, with its destruction of life and its cost, would attract the attention of the world to the imperative necessity of settling international disputes by arbitration.

Two or three weeks ago I was chatting with a retired admiral of the navy in Washington, and the matter of expense was discussed. I asked him what it costs to fire a shell from a twelve-inch gun, and he said that he could not answer positively, but added, " I will call up the Navy

Department." And he did, by telephone, then and there. The answer was that it costs $710 to put the powder and the shell into place for firing. Every shot costs at least that, to say nothing of incidental expense.

We have had our attention called to the number of arbitrations — two hundred and more, I think Dr. Trueblood said — which have taken place between the nations within the last century. I wish to dwell a little upon the fact that in no one of those arbitrations was there a repudiation of the award given by the arbitrators. Whether the award was bitterly resented or partially acceptable, no nation has ever repudiated an award made by arbitrators within the last century.

I remember having a conversation, when I was across the waters, with Lord Russell. You know the English were never satisfied with the award in the Geneva Arbitration, when fifteen millions and more were given us for the direct injury to our shipping and our insurance companies, and not half of it, or at least not all of it, was used, as they thought, for the payment of those claims. He said: "What are your United States going to do with the balance of the money which was obtained under the Geneva award? It was given to them for the direct injury, and they have not been able to find persons who were directly injured by the Confederate cruisers, having claims enough to absorb the amount." [1]

Well, of course a very natural suggestion was that we could use a great deal of it in paying that extravagant

[1] Lord Russell was, of course, mistaken. Not only did the United States distribute to *actual claimants* the entire award of $15,500,000, but the further sum of $3,905,558.15 (less the legal expenses, $750,193.65), which had accrued as interest. (See an article in the *Advocate of Peace* for December, 1904, by Mr. Cephas Brainerd of New York.) — *Editor.*

award in the fisheries dispute! The point I am making is that the award of arbitrators carries the public opinion of the world to support it, and as long as this is so, no nations will dare resist the decision of a tribunal which has been fairly constituted to settle claims between themselves. Why, within our own limits, I remember a year or so ago the Supreme Court of the United States decided a case in favor of the state of South Dakota against the state of North Carolina, and awarded a large sum of money. There was a grievous and earnest protest that the court did not have jurisdiction over that controversy. But the decree was made, and on the last day the attorney-general of North Carolina came and paid the money into court and settled the judgment. There was no humiliation in that act on the part of the sovereign state of North Carolina, because there was no exercise of power to compel that payment; it was voluntarily done. When you talk about power to execute a decree, the executive officer of the Supreme Court of the United States is a very small man, and he has as an assistant only a woman, and those two are supposed to execute the decrees of that court through all this people of eighty millions. It is true, of course, that there is something back of that court which is not back of an arbitration tribunal.

An amusing thing took place in Washington in connection with the Supreme Court last winter. A young man in the courtroom was talking aloud, making a little confusion. One of the old colored bailiffs that we have there went in and led him out, saying, "Young man, you want to come out and be still. That is the Supreme Court of the United States in there, and if they get after you, nobody in the world can help you except the Almighty, and the chances are that he won't interfere!"

There is, as I say, back of the Supreme Court something which is not back of the award of arbitrators between nations. There is back of it, as every one knows, the organized power of eighty millions of people, and, if need be, there is force, — all the force of the nation, — to compel obedience to its judgment. There is no power of this kind back of the award of arbitrators, and it is that which is liable to occasion trouble in the future. Take the Hague convention. That, as has been said over and over again, stands as an epoch-making event in the history of international arbitration. And yet it provides for no power to compel obedience; it recommends only. Let me read some of the clauses to indicate the scope of it:

> Independently of this recourse (that is, to good offices or mediation), the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

And again:

> The signatory powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:
>
> In case of a serious difference endangering the peace, the states at variance choose respectively a power, to whom they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.
>
> For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, who must use their best efforts to settle it.

And again:

> In differences of an international nature involving neither honor nor vital interests, and arising from difference of opinion on points

of fact, the signatory powers recommend that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

There is recommendation, suggestion, advice to the parties, following a declaration which they have made in favor of international peace, that they do these things to settle their disputes; and, further, there is a body of justices from whom a tribunal may be created. But there is provided no power to compel obedience to the award. Will it be possible ever to make the nations agree that force shall stand behind the award of arbitrators and compel the nations to yield obedience? I notice that in the program which Mr. Bartholdt, with others, is preparing for the Interparliamentary Conference in August, occurs this provision, as something which they hope to see adopted:

The armed forces of all the nations represented, to be at the service of the congress for the enforcement of any decree rendered by the Hague Court, according to the treaties of arbitration.

Well, it may be that that will be secured. There is one precedent for something of the kind. When the various diplomatic representatives were in danger in Peking, you know the English, the Americans, the Russians, the Japanese, and the Germans combined their military forces and sent them to the rescue. So it is possible that some provision will be made by which there can be a union of the forces of the different nations to compel two disputing nations, first to submit their controversy to arbitration, and then to abide by that arbitration.

But suppose that this is not done, — for certainly it is not to be expected that the nations will agree that any one

nation shall be a sort of international sheriff or marshal to execute the process of any court; the independence and equality of the nations forbid such an expectation, at least for a generation. It would be very difficult to create a scheme by which the mingled forces of the various nations could be brought together whenever an emergency of the kind that I suggest arises. But is it not possible that there may be a compulsion which the nations cannot resist, which will be potent enough to compel every nation to submit its disputes with other nations to arbitration, and to abide by the award? Our good friend Dr. Edward Everett Hale, who is not here to-night, told us years ago, in that story which rang through all the country, of the terrible position of a man without a country. Now, if the nations in the coming conference at The Hague, or in coming conferences, shall agree that any nation which refuses to enter into arbitration with a nation with which it has a dispute, or which refuses to abide by the award of the arbitrators selected in accordance with the provisions of the Hague convention, or some other convention, shall be isolated from all intercourse with and recognition by any other nation on the face of the earth, can you imagine any compulsion which would be more real and peremptory than that?

Take Germany, for instance, which stands up as perhaps the great military power of the world. If all the other civilized nations would say, "From this time forward, until you submit the dispute with France to arbitration, we will withdraw all our diplomatic representatives, we will have no official communication with you, we will forbid our citizens from having any business transactions with your citizens, we will forbid your citizens from coming into

our territory, we will make you a Robinson Crusoe on a desolate island!" there is no nation, however mighty, that could endure such an isolation, such an outlawry as that would be. The business interests of the nation would compel the government to recede from its position and no longer remain an outlaw on the face of the globe.

Such a procedure would involve no military force, no bloodshed on the part of the other nations. The only military force, the only bloodshed that might follow, would be in case the nation thus outlawed attempted to attack some of the other nations, when they would all unite in resisting it. The very fact that it was outlawed would place it in a position where it would have to submit; it would be compulsion, as real as a compulsion of a marshal with a writ in his hands.

You will say, naturally, Supposing that, after a stipulation had been signed by the civilized nations, a contingency should arise and one nation should refuse to enter into arbitration and should be outlawed by the others, the sympathies or interests of one of the other nations would be so strongly on the side of the outlawed nation that it would refuse to join with the rest in the outlawry. That would only add another nation to the condition of the outlawed.

In some such way as this the force which stands back of the court within a nation might possibly be exercised by the nations upon any nation that refused to enter into arbitration or abide by its decisions.

In what I have said I do not wish to be understood as disparaging the efficacy of the Hague convention. It was an attempt, crude in some of its features, in the right direction, and it has resulted in an immense amount of good.

I know that at first the Hague Court was not much resorted to. Those who eulogized it and those that were parties to it were laughed at not a little. They were spoken of as those that meant well, but did not know how to do anything; they were considered visionaries and idealists, who had a theory beautiful to look upon, but worthless in practice. In that connection may I read some verses of a doggerel which illustrates what was thought of the Hague Tribunal for a while. It is entitled:

A LAST FAREWELL

"A soldier" of the powers was on picket in Algiers,
(Or China — any place you choose that finds a rhyme for tears);
The battle had been bloody and the rival allies lay
On gory blades, preparing for another one next day.
A figure from the darkness crept, a figure stern and grim,
Approached the watchful picket where he stood, and spoke to him:
"I pray you bear this message to the powers, where they lie,
For I 'm the Hague Tribunal, and I 've come to say good-bye!

"Pray, Soldier, drop a tear for me, and bless me ere I go;
I tried to take your job away, but you 'll forgive, I know.
Men petted me and cherished me, and cried me for a boon,
But now I see that I was born a century too soon.
We part and may not meet again; I bid you my farewell,
And when again you see the powers, Soldier, you may tell —
Tell them —" his voice was broken and he smothered a great sob,
"Just tell them when you saw me I was looking for a job!"

The Hague Court did not get a job at first and the United States was the first country on the face of the earth that gave it a job; and when it still further remained in disrepute, and a proffer was made to our President, Theodore Roosevelt, to arbitrate the Venezuela case, he said, "No!" and, turning the matter over, gave the Hague Tribunal another job. In my judgment, that giving of life, as it did, — new life, — to the Hague Tribunal was

an act on the part of Theodore Roosevelt which will be a brighter and more enduring laurel on his brow in the great temple of fame than any strenuous life or any big stick or great navy or even any Panama Canal. The Hague conference, even if we do not get another, — and we shall have another, for it is called, and will be held as soon as the present war is over, — has done an immense service to civilization. The new conference, besides minimizing the horrors of war, giving greater efficacy to the Red Cross and things of that kind, will have as the great question before it, how to strengthen international arbitration. In one way or another you may be sure that the nations, burdened as they are with the tremendous debts growing out of their military establishments, feeling more and more the horrors of war, will be sure to demand of that conference to give in some way greater efficacy and certainty to international arbitration.

The men that were in the First Hague Conference did something which will be to their everlasting honor. The representatives of the American nation, led by Dr. White, were, we are glad to know, the strong friends of arbitration in that conference.

On the Fourth of July, while the conference was in session, on the invitation of the American delegation, the members of the conference went down to the tomb of Hugo Grotius at Delft, near which was the tomb of William the Silent. A silver wreath, given by the American Commission in the name of the United States, was placed above the tomb of Hugo Grotius, the founder of modern international law. There is a passage or two in the noble address given by Dr. White on that occasion that I am sure you will appreciate if I trespass upon your time by reading them:

From this tomb of William the Silent comes, in this hour, a voice bidding the peace conference be brave and true and trustful in that Power in the Universe which works for Righteousness.

From the tomb of Grotius I seem to hear a voice which says to us as the delegates of the nations, "Go on with your mighty work; avoid, as you would avoid the germs of pestilence, those exhalations of international hatred which take shape in monstrous fallacies and morbid fictions regarding antagonistic interests. Guard well the treasures of civilization with which each of you is intrusted; but bear in mind that you hold a mandate from humanity. Go on with your work. Pseudophilosophers will prophesy malignantly against you; pessimists will laugh you to scorn; cynics will sneer at you; zealots will abuse you for what you have *not* done; sublimely unpractical thinkers will revile you for what you *have* done; ephemeral critics will ridicule you as dupes; enthusiasts, blind to the difficulties in your path and to everything outside their little circumscribed fields, will denounce you as traitors to humanity. Heed them not; go on with your work. Heed not the clamor of zealots, or cynics, or pessimists, or pseudophilosophers, or enthusiasts, or faultfinders. Go on with the work of strengthening peace and humanizing war; give greater scope and strength to provisions which will make war less cruel; perfect those laws of war which diminish the unmerited sufferings of populations; and, above all, give to the world at least a beginning of an effective, practical scheme of arbitration."

These are the words which an American seems to hear issuing from this shrine to-day; and I seem also to hear from it a prophecy. I seem to hear Grotius saying to us: "Fear neither opposition nor detraction. As my own book, which grew out of the horrors of the Seven Years' War and the Thirty Years' War, contained the germ from which your great conference has grown, so your work, which is demanded by a world bent almost to breaking under the weight of ever-increasing armaments, shall be a germ from which future conferences shall evolve plans ever fuller, better, and nobler."

Now, ladies and gentlemen, I am quite sure I have trespassed too long upon your attention; but let me say one thing in conclusion. I remember a story read years ago of a painter who in early life saw in a dream the face of a beautiful woman. He awoke from sleep, certain that

that was the face of the woman whom he was to seek and find. Long years he traveled from city to city, from country to country. He wasted all his substance, became poor, and still he kept on; but the face never again appeared to him. Finally, as he grew old, he went back to his native place and said to himself: "If I never see that face, I will put it upon canvas, that those who come after me may see the ideals of my life." So he took his brush and pencil, and on the canvas he toiled day after day, putting upon it the ideal face which shone ever before his vision. Finally his friends, missing him, broke into the room, and there before the finished picture the painter lay dead, the pencil and brush still in his fingers, and his face turned toward the canvas.

We have before us a vision — bright as brightness can be — of the glad time when war shall cease and the whole world shall be at peace. We are pursuing that day by day and year by year. We may not live to see it; it is one of those things which is coming slowly; but at the same time there is joy in the thought of it as something for which we are toiling. Do you think that painter's life was a sad one? He felt the pangs of hunger and thirst; he felt the stings of cold; he knew what poverty and want were; but ever on the mountain tops that fair face floated before him, and when he died his face was turned to that picture, and on it was the calm repose which is the promise of eternal rest. We may not see the coming of that day, but we know what it will mean for the world. We know what a blessing it will be to humanity, and we can go on rejoicing in our toil, believing that every effort we make is bringing that time nearer when the earth will "give back the song which now the angels sing." It was a song in the nighttime that

sounded over the shepherds at Bethlehem, but a song in the nighttime which was prophetic of a glorious anthem in the breaking light of a new day. And so, in the last lines of the hymn from which I first quoted,

> Traveler, let thy wanderings cease,
> Hie thee to thy quiet home;
> Traveler, lo, the Prince of Peace,
> Lo, the Son of God is come!

AMERICAN LEADERSHIP IN LIMITING ARMAMENTS

(Address at the Twelfth Conference, June 1, 1906)

Mr. Chairman, Ladies and Gentlemen:

I did not intend to say anything when I came here, for I came to listen and to learn; but I second the motion to adopt this platform, although it does not come up to my desires. I believe, however, a half loaf is better than no bread, and I am used to frequent contests in a rather contentious court, in which not infrequently I find myself in a minority of four, overruled by what we call "a cruel majority of five," and I recognize the fact that the great majority of opinion here is in favor of going as far as this platform goes, but no farther. Personally I do believe, however, in the full scope of what was said by Dr. Abbott and our president; I am in favor of that resolution offered by Mr. Paine; I believe in the wisdom of this conference taking the highest ground, and that the result in the long run would be beneficial. It is said as a matter of history that at the great convention in Chicago, before the Civil War, which ended in the nomination of Abraham Lincoln, when the effort of the leaders was to frame a platform which should not offend the business interests of the North, one was drafted which contained no reference to the Declaration of Independence, and when it was read, having been carefully prepared so as not to offend, a young Republican member arose and moved that the convention indorse the

Declaration of Independence. That motion swept through the convention and through the country, and Abraham Lincoln became President!

Now there are two lines of objection to an advance declaration in reference to the objects of this conference, — the desire for universal peace and the settlement of all disputes by arbitration. Those lines are not perhaps both represented here. One is a line of timidity and hesitation, and the other the line of business and interest. There are many here who say they believe fully in limitation of military and naval armaments, really wish that this country would take the lead, and that no country is so able to take the lead and so safe in doing it as this. But they say that the men in charge of public affairs at Washington know the condition of things better than we do, and that if we go too far, we shall offend them, and that they will fail of accomplish anything; that it is better to move slowly, educate and crystallize public sentiment before insisting that this nation shall take the lead in the limitation of armament, military and naval. It has been said here by my friend, Mr. Findlay, that we have become a world power, that Manila and Santiago led up to Portsmouth and enabled us to bring about peace between Japan and Russia. That was a fine epigrammatic statement, but I fear that it does not accord with the lessons of history. When an American laid the Atlantic cable, he joined this continent to the Old World, and the business men of this land, so magnificently represented here last night, have brought all nations into our family, and that is the family of nations. It is the tremendous accumulation of resources, the wonderful extent of our industries, that have brought all nations into the close relationship which they now sustain to us. There is

the source of the power exercised wisely and nobly by President Roosevelt. But the power was in the people back of him, and in the power which they had been accumulating through years and decades of commercial industry.

There is no danger to this country. We can stop our military and naval armaments to-day with absolute safety. There is not a nation on the face of the globe that will attack us. If there is war between this country and a European nation, it will be because we commence it. Talk about the prowess of this nation! It was my pleasure, and perhaps that of some of you, to be present at what was called the "Last March of the Grand Army of the Republic," some ten or twelve years ago, in Washington. That army marched through Pennsylvania Avenue from the Peace Statue down in front of the White House. All day long, from early morning till night, those men marched through the streets. They carried no weapons. The Grand Army cap was the only thing that told that they had been veterans on the battle field; and yet as they marched firmly all the livelong day, a hundred thousand strong, in front of the reviewing stand, I felt as I never felt before thrilled with the thought of the magnificent strength of this nation and the certainty that it was safe against the assault of every nation in the world! I have seen a parade of thirty thousand soldiers, — artillery, cavalry, and infantry, — with all their arms and equipment; I have been in our fortifications with their immense guns moved by machinery as easily as a boy moves a toy pistol; I have been on our great ironclads and seen those wonderful engines of death; but I never had in my life such a sense of the power and strength of this nation as when I saw those unarmed veterans march silently down the avenue before the chief executive of the nation! And when to them

you add those gallant soldiers who fought under Lee, and who now will fight for the Stars and Stripes as they fought for the Stars and Bars, you may be sure that no nation will attack us! And when I say that I felt that sense of the power of this nation, I may add that that feeling was not confined to myself alone. Many a diplomat from foreign nations, as I know, looked at that procession and felt that here was a nation that it was not safe to attack. So I do believe that it would have been wise, if we had all agreed in this, to have made a distinct declaration that it is the sense of this conference that this nation should take the lead in the limitation of armaments, military and naval, and then go before the next Hague conference and say, "We are doing it, — follow in our footsteps!"

I do think, passing a little from that, that we must realize the growing feeling in favor of peace and arbitration. The great heart of the American people beats in sympathy with that movement. It is no longer to-day a question to be settled by monarch and Parliament or by Congress alone. The common people, the people upon whom Abraham Lincoln rested, are the ones who are ruling this country and will rule the world, and you may be sure that the great heart of the common people of this land beats warmly and strongly in favor of peace and arbitration, and they will stand by and support them; and one day (for all law is simply the crystallization of public opinion into force) they will see to it that it is crystallized into the law of this nation, and with this into the law of the world, — that disputes between the nations as between individuals shall be settled by law in the courts and not by force and bullet. I beg your pardon for trespassing so long. I again second the motion to adopt this platform.

THE SUPREME COURT AND THE STATES

(Address at the Thirteenth Conference, May 23, 1907)

I do not now mean to make a speech; but when at the first session the Grand Old Man (Edward Everett Hale) was telling us of the early treaty negotiated between this country and Prussia, I recalled two facts which perhaps may interest you. That treaty was negotiated with Frederick the Great by Benjamin Franklin, and was his last official service to his country before returning to take part in the formation of the federal Constitution. And George Washington, the Father of his Country, when he saw that treaty, wrote to Count de Rochambeau a letter in which he said — I cannot quote the exact words, but in substance — that if all nations would agree upon treaties containing its stipulations, the entire relations between nations would be changed.

Further, Mr. President, when we listened Wednesday morning to that magnificent address, in which you pictured the formation of an international legislative body and also the creation of an international tribunal, and added that for an executive reliance must for the present be had upon public opinion, with perhaps in one out of a hundred cases a call upon the nations to furnish a police force as in the case of the rescue of those besieged in Peking, I recalled a matter of my own experience, which illustrates the growing power of public opinion.

By the federal Constitution jurisdiction over controversies between two states is vested in the Supreme Court. In the history of that court there have been several such cases, until the last two or three years mainly those concerning the boundaries between states; and the judgment of the court respecting a matter of boundary is easily enforced. But lately we have had cases of a different nature, among them one brought by the state of South Dakota against the state of North Carolina, on some bonds issued many years ago, under circumstances which made them very unpopular in North Carolina. The state proposed a compromise. It did compromise most of them, — all but about $250,000. By a statute of the state it was stipulated that certain railroad stocks owned by it should stand as security for the bonds. One who had most of the outstanding bonds gave to the state of South Dakota a certain number of them as an absolute donation. Probably, although it was not proved, he thought that a suit would be instituted by South Dakota in our court, that a receiver would be appointed to take possession of the entire stock so pledged, sell it, and appropriate the proceeds to the payment of all the bonds, his own included.

The state of South Dakota commenced a suit in our court, setting forth its title to the bonds, and asked a decree finding the amount due thereon and directing that the stock pledged should be sold and that a money judgment should be rendered against the state of North Carolina for any portion of the amount found due not satisfied by the sale of the stock. Other parties came in, holding other bonds and making like petition. Now it has been repeatedly adjudicated that no money can be taken out of a treasury, state or national, without an act of the legislature, and

that no court can, by mandamus or otherwise, compel a legislature to pass an act. It is also well settled that public buildings, statehouses, jails, — things of that kind, — cannot be taken and sold on judicial process for the payment of an ordinary debt.

When the case came on for hearing, we found that there was a sum due, $25,000 or $30,000, on those bonds, dismissed all the other claimants, and decreed that the stock which was pledged for the bonds belonging to South Dakota should be sold and the proceeds applied in satisfaction of the amount found due thereon, leaving undecided the question of what should be done with respect to any deficiency after the sale.

If the amount received from the sale of the stock had not paid the bonds, the question would have been presented whether we could render a money judgment against a state; and, if so, how could it be enforced. We could not compel the legislature of North Carolina to meet and pass an act; the marshal could not levy upon the public buildings of the state. What would be the significance of a judgment which the court was powerless to enforce? You may remember as an historical fact that Andrew Jackson once said in regard to one of the judgments of our court, "John Marshall has rendered a judgment; now let him enforce it if he can."

The day before that fixed for the sale of those bonds the attorney-general of North Carolina came to my house, for I was the organ of the court in delivering the opinion, and said that he had been sent by the governor to pay the full amount that we had found to be due; that the state did not intend to raise any question as to what should or could be done in case of a deficiency after the sale of the stock, and

that inasmuch as the court created by the Constitution and charged with the duty of determining controversies between the states had declared that a certain sum was due from North Carolina to South Dakota, he was directed by the state to pay that, — every dollar as well as the costs of the case. And then and there he did so.

Now I submit that there was a response of public opinion declaring that the judgments of that court in this nation which is charged with the settlement of controversies between two states should be respected; for the defeated state, although feeling aggrieved by the judgment, yet waived all question as to its enforcement and at the time appointed paid every dollar and cent of the debt. Not only was that a response of public opinion, but in addition it was a glorious tribute to the patriotism of the state of North Carolina, a state which gave us the Mecklenburg resolutions, anticipating the Declaration of Independence! And I can but think her conduct far above that of the state of South Dakota, which willingly took a donation of bonds with the idea of collecting them from a sister state, in disregard of that generous feeling which should control all the states of the Union; and I do not wonder that the governor of South Dakota, who retired from office last January, in his final message recommended that the legislature appropriate the full amount of the money received and tender it back to North Carolina. Public opinion, Mr. President, is all-powerful, and it is to the credit of the intelligent people of this country that we do respect the judgments of the courts created by the Constitution in declaring rights and awarding decrees.

I want to say in closing that I never come to these conferences without being lifted to a higher manhood. There

is something contagious in meeting the body of men and women that gather here, and in hearing their earnest words in behalf of a cause so worthy, so dear to my heart. I go away feeling that I am a better man for having been privileged to come here. I realize, and you realize, and no one who comes here can help realizing, that there is through this nation a more intense feeling in respect to the coming of the time of international arbitration and, with that, the time of universal peace. And we can wish no better, richer reward to our good friend, Mr. Smiley, than that he should be permitted to hear the declaration from some great international conference that hereafter all disputes between nations must be settled by arbitration. Certainly we all hope that it may be so, that we may share his joy, and we will honor him for what he has done.

AMERICA'S DUTY IN THE PEACE MOVEMENT

(Address at the Fourteenth Conference, May 22, 1908)

Mr. President, Mr. Smiley, Ladies and Gentlemen :

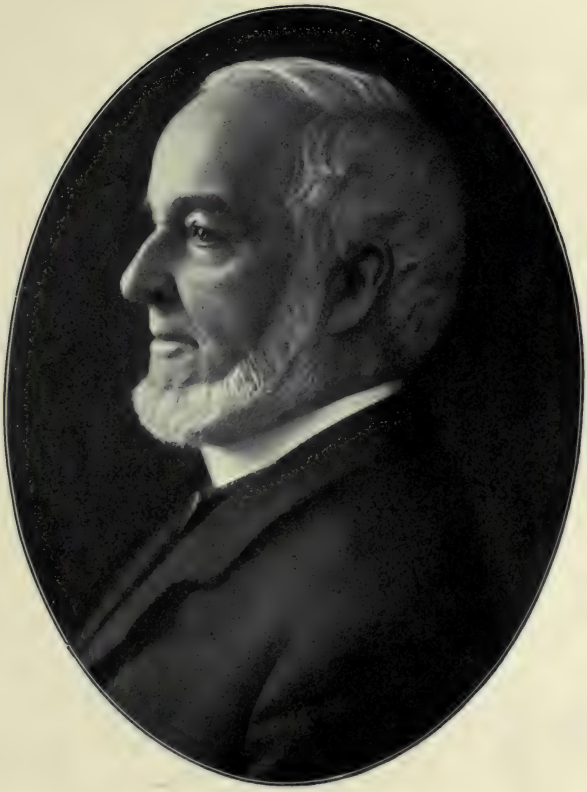
I move the adoption of this report as the platform of this conference. It is a recognition of what has been accomplished, and what are now existing facts. Some of us, at the committee meeting, thought that a declaration in reference to the limitation of armaments would be appropriate. But we finally yielded, in order that, in what it said, it might be a unanimous expression of the views of the conference.

This is primarily not a peace but an arbitration conference, and it is arbitration which we are seeking, by this and successive conferences, to bring about. At the same time, as Mr. Smiley has well said, there is a freedom of expression of views. Every one is at liberty to say what he thinks on these questions; and I am going to take advantage of that freedom to say that I believe in the limitation of armaments, and that it is both the privilege and the duty of this nation to lead in that direction.

I was much pleased to hear my friend, Judge Stiness, say that there seemed to be some overruling power moving along the lines of human action, and to-day bringing the disposition of the nations toward the successful accomplishment of the settlement of international disputes by arbitration. I believe in that. History is not a mere haphazard succession of unrelated and disconnected facts; but

"through the ages one increasing purpose runs." There was in the keeping of this continent unknown to civilized nations for long ages and bringing it to their knowledge only within the last four centuries a purpose or purposes. Many have been suggested. One is that as at that time printing was invented this nation was to be the seat of the widest, most universal education and intelligence. It has become so. Again the Bible was unchained, and man was put in the settlement of all the great questions of life and eternity face to face with his Maker; and it has been said that this nation was intended to be the one in which religion should be the most free and universal, most personal. And it has been. We have no state church; every man looks up into the blue heavens above him, in the faith that somewhere there is an infinite being, his Father and his Friend, with whom directly he deals.

And it seems to me there was also a purpose that this republic should lead in the great cause of the peaceful settlement of international disputes. This is a composite nation. You go to Germany, and the Germans control. There are a few others dwelling there, but it is a German nation. You go to Japan, and while it welcomes foreigners to dwell in its borders, yet it is a Japanese nation. But this republic was settled not by one race alone, but by Englishmen and Germans and Frenchmen and Swedes. Indeed, every nation on the face of the globe has sent some of its bravest and strongest and brainiest to help fashion this republic, and out of these composite races is being formed this nation which, of all on the face of the globe, most fully represents the brotherhood of man. And where there is that brotherhood there will be no fighting. It seems to me that one of the lessons we may draw from history is that



Albert K. Smiley

the Almighty has, in the counsels of eternity, a purpose that this republic shall stand in the front of all the great nations on the earth, as leader in the cause of universal peace. And in order to establish and maintain that leadership she must lead in the limitation of armaments. It is either one of two things. Some nation must lead, or else all will go on increasing the burden of naval and military expenses until the common people repudiate all government debts and there is one great revolution. So I think it is the privilege and the duty of this nation to lead in disarmament.

There is another thought. When the angels appeared in the heavens above the shepherds at Bethlehem, announcing the birth of the Prince of Peace, their song was, "Peace on earth, good will to men." While the record does not say that Mary, watching her babe in the manger, heard that angelic song, I am sure that she did, for there is no ear so acute to catch the faintest notes of a prophetic song in respect to her boy as the ear of his mother. Many foreshadowings gathered around His early days; and we are told that Mary "kept all these things and pondered them in her heart." When He came to the end of life His farewell words were, "Peace I leave with you."

Now there is no nation on the face of the globe in which woman is so pronounced and conspicuous a force as in this. I do not now champion or prophesy woman suffrage, but I note the fact, which is obvious to all, that within the last half century there has been a wondrous change in her life. She has come out from the seclusion of the home and taken her place in the public activities of the nation. In conferences, in associations, and in a hundred other ways she is directly and powerfully influencing public thought. No

longer do we say that by her silent influence over her husband or father, son or brother she is bringing things to pass, for her outspoken and visible activities, molding public opinion, shaping public acts, are greater here than anywhere else in the world. Now the one person who stands most loyal to the cause of peace is the mother. No mother ever draws her baby boy to her bosom without a faith, a hope, that that boy shall not be brought up to become the spoil of the merciless bullet. She believes in peace, and she is coming to take her great position as an active force in this republic; and it will be outspoken and strong for the peaceful settlement of national disputes by arbitration rather than by war. Is there not in this, as it were, the finger of Providence pointing to the fact that America is to be the leader in this great cause?

Personally, I thank you, Mr. Smiley, for the privilege of coming here the last few years. I have gone away from every one of these conferences with a new inspiration, feeling more and more the solemn duty resting upon me to do in my humble way whatever I can for the cause of international peace. And I venture the assertion that of all this great gathering here every one goes away with the feeling that you have inspired him or her to greater faithfulness in this noble work.

PLATFORMS OF THE LAKE MOHONK CONFERENCES ON INTERNATIONAL ARBITRATION 1895–1910

I — 1895

The feasibility of arbitration as a substitute for war is now demonstrated. In the last seventy-nine years, at least eighty important controversies between civilized nations have been successfully adjusted in this mode. Thirteen of these were controversies between the United States and Great Britain. Arbitration is now the American practice. To perpetuate peace, a formal act should make it henceforth the rule of national life.

The present time is ripe for such a step. In 1887 an English delegation of thirteen men, all prominent in public life, brought to this country a memorial signed by two hundred thirty-three members of the House of Commons, addressed to the President and Congress of the United States, and expressing the wish that all future differences between the countries be settled by arbitration. In response to this memorial our Congress in 1890 unanimously requested the President to open negotiations to this end with all countries with whom we have diplomatic relations. In the same month the republics of North, South, and Central America, by their representatives in the International American Conference, declared their adoption of arbitration as a principle of American international law in the settlement of controversies between these republics. And in October of the same year a treaty drafted by that conference was submitted by our State Department to the governments of all the civilized nations, for their consideration and concurrence. In June, 1893, the British House of Commons unanimously expressed its approval of the movement.

In taking the next great step forward the United States should lead. Our country is free from foreign entanglements, is strong and prosperous in the result of its peaceful policy, and the world knows

that we are not moved to it by fear. It is for those nations whose peaceful position is strongest, and whose strength is most conspicuous, to take the initiative; and it is time for Great Britain and the United States to act.

Expressing, as we believe, the judgment of the American people, we urge the government of the United States to negotiate a treaty of arbitration with Great Britain.

II — 1896

In the settlement of personal controversies civilization has substituted the appeal to law for the appeal to force. It is high time for a like substitution of law for war in the settlement of controversies between nations. Law establishes justice, war simply demonstrates power. Such a substitution of law for war requires a permanent tribunal to which all nations may appeal. Its personnel may change but its judicial life should be continuous; its mere existence would often prevent controversy and its decisions would become a recognized interpretation of international law. It would not impair the sovereignty, lessen the dignity, nor hazard the honor or safety of any nation. The enforcement of its judgments might be safely left to the moral obligations of the nation concerned and the moral sentiments of mankind. Such a tribunal should be so constituted that all civilized nations may, if they choose, by adhering to the treaty constituting it, avail themselves of its benefits. Disarmament of the nations should follow such recognition of, and provision for, the reign of reason over the passions of mankind. The facts that during the past year the Interparliamentary Peace Union, containing parliamentary representatives from fourteen European powers, has formulated a plan for an international tribunal, that France has officially proposed to this country a permanent treaty of arbitration, and that it is semiofficially reported that negotiations are pending between the United States and Great Britain for a similar treaty, justify the belief that the way is now open to create between this country and Great Britain, and between this country and France, and perhaps with other powers also, some permanent system of judicial arbitration as an essential safeguard of civilization. We assure President Cleveland that a great majority of his countrymen will hail the

consummation of such a treaty as the auspicious harbinger of welfare to the world, assuring peace among leading nations, security and expansion to industry and commerce, steadier employment at more remunerative wages to workingmen, more exalted civilization, a condition of the world more in accord with the enlightened conscience of man and the loving will of God. We earnestly call upon statesmen, ministers of every faith, the newspaper and periodical press, colleges and schools, chambers of commerce and boards of trade, organizations of workingmen, and upon all good men and women to exert their influence in favor of this movement, both in making known to the President their desire for a permanent tribunal and in helping to create a larger public sentiment against war, which shall be an efficient and constant support of the new judicial system thus to be founded.

III — 1897

The civilized world may well rejoice at the unprecedented progress of the cause of international arbitration during the last year.

We deplore the temporary check to the cause by the failure of the Senate to ratify the proposed treaty with England; but we recall the majority of the Senate in its favor, large, though less than the necessary two thirds, and we believe that while the small minority honestly opposed it, their reasons were not such as to command permanent support.

The overwhelming majority of the country should only be stimulated by this temporary failure to more zealous activity, urging our Executive to renew the treaty, with such modifications, if any, as may be approved in the light of the recent study of the subject by the Senate.

Our country should also make a similar treaty with France, Germany, Austria, Italy, Belgium, Denmark, and Switzerland, whose parliaments have taken action in favor of a permanent system of arbitration between civilized nations, and with all other countries which may take similar action.

We look forward hopefully to the creation in some form of an international court, always open for the settlement of differences which diplomacy may fail to adjust, to which court any nation may resort.

The thanks of this conference are tendered to ex-President Cleveland, ex-Secretary Olney, and Sir Julian Pauncefote for their eminent services to the cause of international arbitration, and to President McKinley and Secretary Sherman for their hearty support of the same great cause.

The outburst of public approval of this treaty proves the growing power of Christian conscience. The pulpit, the press, colleges, and associations of the bar, of trade, and of labor have given almost unanimous support in behalf of the cause.

IV — 1898

In a spirit of loyalty and devotion to our country, and in the conviction that the duty of good citizens requires them to devote their best energies to the service of that country, the conference urges upon the government of the United States that whatever is possible may be done to mitigate the sufferings of war and to render their future occurrence improbable.

We rejoice at the progress which the cause of arbitration has made during the past year. In the following cases, several of which have been for the first time submitted during the year, controversies between nations have been under consideration by tribunals of arbitration, namely:

1. Great Britain and the United States, in the case of the Bering Sea damages claim.

2. Great Britain and Venezuela, over the celebrated question of boundary.

3. Great Britain and France, over various questions of boundary in western Africa.

4. Great Britain and Portugal, over the Delagoa Railway dispute.

5. Great Britain and Portugal, over the Manica frontier.

6. Great Britain and Belgium, over the expulsion of an English subject, Mr. Ben Tillett, from Antwerp.

7. Great Britain and the United States of Colombia, over the matter of a railway built by British citizens in the territory of the latter.

8. Great Britain and the United States, over the Alaskan boundary.

9. Great Britain and Germany, over the claims of the Denhardt Brothers in Southeast Africa.

10. France and Brazil, over the French-Guiana-Brazil boundary.

11. France and Germany, over a question of boundary in the hinterland of Toga, in West Africa.

12. Bolivia and Peru, over a boundary dispute.

13. Haiti and San Domingo, over a question of boundary.

14. Costa Rica and Colombia, over a territorial dispute.

15. Japan and Hawaii, over the question of immigration.

16. The United States and Canada have just agreed to submit to a commission all questions in difference between them.

Experience of the sufferings that war must cause, not only to those engaged in actual hostilities, but to their friends at home, and of the injuries caused by war to many of the great interests of life, emphasizes the importance of the negotiation of treaties between nations, by means of which wars may be averted, so that all possible matters of difference that can be made the subject of adjustment by tribunals of arbitration may be adjusted in that way.

The conference renews its recommendation that an international court be established, to be always open for the settlement of differences between nations. To this end it urges that a treaty be made with Great Britain, providing for the establishment of such a court, for the settlement, primarily, of differences between that country and the United States, but to which court any nations desiring to do so may resort.

And it urges that when the proper time shall come, the government of the United States should ask for a conference with other nations of the civilized world, for the purpose of considering the establishment of an international court, and an agreement upon certain rules by which it should be governed.

V—1899

We urge the immediate establishment of a permanent international court, which shall be open to all nations for the adjudication of whatever controversies may arise between them which they are unable to settle by diplomacy or mediation.

In the constitution of this court we urge the application of the same principles which experience has shown to be most conducive to the ends of justice in judicial controversies between individuals. In

this highest of human tribunals the judges should be selected solely for their recognized ability, learning, and impartiality.

During the past few years the cause of arbitration has made wonderful progress. Since our last meeting a treaty between Italy and the Argentine Republic has been negotiated. This marks a great advance over all former arbitration treaties, in that it provides for the settlement of all disputes that may arise between them, questions of honor not being excepted.

Within the past year another event of transcendent importance has occurred, in the summoning by the czar of Russia of a great international conference to consider how war can be avoided and its burdens alleviated. This conference at The Hague marks an epoch in the history of the world. It is the first great step toward the federated peace of the world. The czar is entitled to gratitude and respectful admiration for his noble initiative. Earnestly do we hope that the work so auspiciously begun at The Hague will go forward, until at last, and at no distant day, the peace of the world shall rest on the sure foundations of justice, and nations be relieved from the well-nigh intolerable burdens of war.

We must not forget, however, that the work of the conference is only preliminary, and that the results of its deliberations must be submitted for ratification to the several governments there represented. We therefore here earnestly resolve to do what we can to promote popular intelligence and to quicken the popular conscience, to the end that when this subject comes before our representatives at Washington there shall be no doubt as to what the people demand in this time of supreme opportunity.

We believe that the gratifying progress already made, and the inspiring hopes which we confidently entertain for the future, owe their existence to the fact that men are learning the righteousness of peace, and that God rules the world.

VI — 1900

The year has been a checkered one in the history of peace. The war with Spain was concluded by the treaty of Paris, but even yet the fighting drags on in the Philippines. A still more bloody and bitter war has been carried on in South Africa. These conflicts

sadden the hearts of all who love the principles which this conference advocates. Yet friends of peace need not be discouraged. These wars have given to the world a sad lesson of the folly and of the danger to states of submitting to the arbitrament of force such differences as might be settled by the arbitration of reason.

On the other hand, the friends of peace have occasion to exult in the accomplishment of a work unparalleled in human history, by which nearly all the nations of the world have become associated in a declared purpose to avoid war. By the labors of the distinguished members of the peace conference at The Hague, in which the representatives of this country had so honorable a part, there has been provided an august permanent tribunal, before which every nation can bring its differences with other powers, assured of an impartial decision. This conference rejoices to know that twenty-six nations have signed the treaty constituting this international court, the United States being the first power to ratify it. It also rejoices to be informed that the permanent organization of this great tribunal will be soon accomplished, so that it will be ready to do the work assigned to it. This union of the nations of the earth is an event of the first historic importance, fitly rounding out a great century and giving promise of immeasurable good for the centuries to come.

This wonderful event, achieved during the past year, imperatively settles the next step which the friends of peace should take, namely, to induce this government to enter into separate treaties with all other powers, under which all such difficulties with them as cannot be settled by the usual diplomatic negotiations shall be referred to the international tribunal at The Hague. The reference of disputes to that tribunal is, under the provisions of the treaty, now only permissive. This was as much as that conference could well devise and recommend. What is now permissive should, as far as this country is concerned, be made obligatory. This can be accomplished by new and brief treaties with the other powers, under the terms of which all disputes which may arise, of whatever nature, not settled by ordinary diplomatic methods, shall be referred for final decision to this permanent court of the nations. To this end this conference hereby petitions the President of the United States that he enter into negotiations with other powers for such treaties, and it further appeals to the people of the United States that they create such a

public opinion that such treaties shall be promptly ratified by the Senate of the United States.

To the end that such a public opinion in favor of peace and arbitration may be attained, this conference recommends that public meetings be held for this purpose in the larger and smaller centers of population; it especially urges that the blessings of peace, rather than the glories of war, be emphasized in our common and higher schools; and it particularly requests that teachers of religion shall, in their ministrations, and especially at the Christmas season, urge upon their people the obligation to use all influence in their power to bring to the earth the rule of that spirit of peace and charity which sees in every race and nation brothers, for whose welfare this nation has a duty as well as for its own.

VII — 1901

The seventh annual conference on international arbitration in session at Lake Mohonk extends its congratulations to all who are working for the cause in behalf of which the conference has been called. There is encouragement to be derived from recent events, and from the present state of the world. No war between great and highly civilized powers has occurred within thirty years. During that period more than a hundred disputes between nations have been submitted to arbitration, and in no case has any appeal to force for the execution of decisions been necessary. On the part of many philanthropic bodies there has been an increased activity, which has accomplished much in creating a public sentiment favorable to arbitration, and seems destined to accomplish still more.

In the establishment of the International Court at The Hague there is reason for immense rejoicing and the profoundest gratitude. There is now a tribunal before which nations, great and small, may bring their controversies, with confidence that the truth will be ascertained and fair decisions rendered. It remains to call this tribunal into action, to the end that particular disputes may be terminated and that contributions may be made to international law. Certain minor wars, which were begun before the court of arbitration was established, have continued since that time; troubles have occurred in China, which were incidental to the contact of the people

of that country with western life, but they promise to have, as a later effect, the bringing of an Asiatic empire within the area in which the tribunal at The Hague will operate.

The conference has to mourn the death of an honored ex-president of the United States, Benjamin Harrison, who had been appointed a member of the high court at The Hague, was the senior counsel for Venezuela in the arbitration between that country and Great Britain, and had expressed the intention of honoring this assembly by his presence.

The conference expresses its sense of the great importance of making the tribunal of arbitration effective, not for the repressing of diplomatic action, but for precluding warfare where diplomacy fails. It is essential that cases which threaten to lead to war should be promptly brought before this court, and it is highly important that minor disputes, which nations may be less reluctant to submit to adjudication, should also be brought before it, in order that precedents may be created and that the custom of appealing to the court may be speedily and firmly established. We wish that the United States might be foremost in submitting cases to the tribunal which it has had such an honorable share in creating.

We would call the attention of all who mold public opinion to a special opportunity, that, namely, of strengthening the feeling in favor of arbitration during the critical period before the court shall have come into full activity. Particularly should laborers who bear the brunt of wars be induced to use their collective power to prevent them. In like manner should chambers of commerce, boards of trade, bankers' associations, and organizations of manufacturers and merchants in specific lines of business, as well as individual financiers, be induced to use their power for the same object. Such action is called for in behalf of their own interests, and in behalf of those greater interests of humanity which are in a sense under their guardianship. It is not too much to hope that ulterior results not immediately secured by the establishment of the tribunal at The Hague may, in the end, be gained through its action. Such a result would be the reduction of armaments and the lessening of the burdens and the temptations which they entail. Particularly is this to be hoped for in the case of the weaker nations, crushed as they are by the cost of their armies and navies. These would be unnecessary

if the decisions of the high court in any case which they might submit to it were supported in advance by guaranties such as a few powerful nations might give. A final consummation, to which it is legitimate to look forward, would be the extension of these guaranties to the greater nations themselves and the reduction of the great armaments. The court represents a great gain already secured, and a possible one the value of which transcends all power of expression. It remains to make the greater gain a reality.

VIII — 1902

We affirm the principles declared by former conferences and rejoice in the continued progress in their application.

The golden rule as a practical law of conduct is not less binding upon nations than upon individuals. Upon obedience to this law depends the welfare of all alike. This is not the dream of enthusiasts, but the practical judgment of the sober-minded men and women who are doing the world's best thinking in the conduct of its affairs.

We believe in the unity of the human race and the brotherhood of mankind, and, that being of kin, the spirit of kindness and of justice should be, and some day will be, universal, recognizing no distinctions of class or race or nationality. In this spirit and in obedience to this law we seek the adoption of the judicial method of settling international disputes, in order that the ends of justice may be attained and the sufferings and burdens of war may be avoided.

Arbitration and appeal to courts of justice are the only rational methods of settling disputes which fail of direct settlement, whether between individuals or nations.

We rejoice in the progress which has been made during the past year. The great court provided for at The Hague, and subsequently established and recognized by the leading nations of the world, has been resorted to since the last meeting of our conference. The governments of the United States and of Mexico have just agreed to refer to that august tribunal the settlement of a disputed claim which for half a century they have been unable to adjust. The importance of this event is not measured by the magnitude of the claim. It marks an epoch in the adjustment of international controversies and the development of international law.

During the year also the representatives of ten republics of Spanish America have agreed to recommend to their respective governments a treaty which provides for the submission of substantially all their differences to the Hague Tribunal.

Chile and Argentina have agreed to submit all their controversies to that court, to stop the projected construction of new armaments, and to remove existing causes of contention.

The representatives of all the American republics at the Pan-American Conference recently held at Mexico City have given their adhesion to the conventions adopted by the Hague conference. They have also signed a protocol for the submission to the Hague Court of all cases arising from the claims of the citizens of one country against another.

The conference earnestly hopes that these conventions adopted at Mexico City will be speedily ratified by the United States and all other signatory American governments.

We look forward hopefully to the time when self-interest, in addition to the imperative sense of duty, will impel all nations to submit all their controversies to the arbitrament of this court.

All our hopes, however, will prove illusory unless systematic, comprehensive, and earnest work is done in educating and developing an enlightened public sentiment and opinion, which shall both demand and support it. To this end we call upon all schools, from the primary to the university, upon the press, the pulpit, boards of trade and commerce, merchants' associations, trade leagues and all other organizations, upon all employers and employed, upon all men everywhere, to coöperate in creating a universal sentiment in favor of the judicial settlement of controversies.

IX — 1903

The principle of international arbitration has secured the approval of the civilized world. This fact is solemnly recorded by the Hague convention.

It is gratifying to state that, largely through the influence and example of the United States, which had so much to do with the success of the Hague conference, prestige has been given to the Hague Tribunal by the submission to it of international differences. This

conference thanks our government for what it has done in this behalf, especially in the recent Venezuelan controversy, when its efforts averted war.

This conference believes that the next step in the steady march forward should be the conclusion of a treaty of obligatory arbitration between the United States and Great Britain, to be followed by similar agreements between the other nations signatory to the Hague convention, to refer disputes to the Hague Tribunal. Such treaties would make the present implied obligations of the nations signing them explicit, binding, and permanent, instead of leaving them, as now, under the Hague convention, voluntary, and to be determined from time to time, and largely by circumstances. This conference believes that the best public opinion of the United States and Great Britain, neighbors and kinsfolk as they are, recognizes the wisdom and justice of such an arrangement, and that the example thus set would be followed speedily by the other powers. It would lead all the nations to the Hague Tribunal.

With a deep sense of the fatherhood of God and the consequent brotherhood of man, the conference looks forward to new victories for its cause even more remarkable than those already won, notwithstanding the difficulties in the way of extending the application of international arbitration.

Many motives may inspire arbitration, — fear, horror of war, dread of expense, — but justice is the only safe foundation for the world's peace.

In the Alaskan boundary dispute, who would not prefer that justice should prevail even if we make no gain of hills and harbors? America should conduct its claim with such loyalty to justice as to win the honor of the nations.

This conference summons all possible agencies to teach and preach the gospel of justice. Business men and great corporations, teachers in schools, ministers of God, the public press, — let our whole country accept the great motto and seek to live up to it: "America loves Justice." It appeals to every man and woman to aid in increasing and organizing the general sentiment in favor of international arbitration so as to secure, by the invincible power of public opinion, the employment of it in the maximum number of possible cases, in the hope that wars may cease and that peace may prevail.

X — 1904

With unabated confidence in the cause of international arbitration this conference renews its allegiance to the principles involved, and continues its efforts to promote them.

Each year marks distinct progress toward the attainment of the beneficent ends proposed. This progress has been along the lines of natural growth and development.

With great gratification we record the fact that eleven nations — five of them ranking among the great powers — have appeared before the court at The Hague and submitted their controversies to its adjudication. This has been done in the same orderly and judicial manner as that which obtains in our ordinary courts of justice where disputes between individuals are decided. In either class of cases one party or the other is likely to be disappointed with the result, but it is accepted as the only rational and civilized substitute for a direct settlement between the parties themselves. We confidently rely upon the irresistible power of public opinion to give effectual sanction to the judgments of the arbitral tribunal and to extend the scope of its jurisdiction.

We rejoice that the increasing development of commercial communications between countries tends to the advancement of universal peace. This conference is more than ever conscious of the profoundly vital and important nature of the work in which it is coöperating.

Arbitration is not sought as an end in itself, but as a necessary means to the attainment of the great ends of international justice. It is not intended to be merely an easier and cheaper way of overreaching a rival or getting the better of an enemy. It recognizes the equally sacred rights of all and seeks nothing less than the meting out of justice to all concerned, as it may appear to an impartial court under recognized rules of law after hearing all the evidence and arguments of the respective parties. To create a demand for resort to this court for the settlement of controversies between nations in a constantly increasing number and range of cases is the immediate, constant, and imperative requirement of the situation.

To this end the conference urges all the people to give their influence to the adjudication by the Hague Tribunal of all disputes between nations substantially as in disputes between parties in civil cases.

This should appeal to all people from motives of justice and right, humanity and peace, regard for human life and happiness. None are so high and none so low as to be beyond the unhappy effects of war.

In all parts of the land, in city and country, in family and store and workshop, in church and school and state, in all relations of life, attempted settlement by war leaves its sad and indelible work. We therefore appeal to all to coöperate in diffusing such a righteous sentiment and feeling toward all classes, conditions, and races of men that international arbitration will be resorted to as the best means of securing international justice whenever diplomacy fails. To such a sentiment and feeling, when awakened, the law-making and treaty-making powers of the government will readily respond.

Several nations have already signified their readiness to enter into treaties with the United States providing for the submission of their controversies to the Hague Tribunal. We urge upon the government not only to take early and favorable action in response to these suggestions, but also to take the initiative in negotiating similar treaties with all nations, whereby they shall agree "to submit to arbitration by the Permanent Court at The Hague all differences which they may fail to adjust by diplomatic negotiations"; and by which they shall further "agree not to resort in any case to hostile measures of any description till an effort has been made to settle any matter in dispute by submitting the same to the Hague Tribunal."

The conference considers it of great importance that the arbitration treaties signed by the representatives of all the states of the western hemisphere at the International American Conference, held at Mexico City in 1901 and 1902, should be ratified at the earliest practicable day.

We favor the coming together of representatives of all nations, disposed to join in the movement, in pursuance of some plan mutually agreed upon, for the purpose of conferring together concerning matters of common interest, to the end that the general welfare of all the nations may be promoted. This proposed gathering has already been aptly designated as an International Advisory Congress.

We recognize such a congress as the natural complement and auxiliary to the cause of international arbitration. It will be but another of the steps sure to be taken in the same general direction, all making for the peace of the world, upon the only reliable basis, namely, that of justice and universal good will.

XI — 1905

The Eleventh Annual Meeting of the Lake Mohonk Conference on International Arbitration expresses its gratification over the advance made in the cause of the pacific settlement of disputes between nations during the past year. Numerous special treaties of arbitration have been concluded and are now in force; the Hague convention commands increasing confidence among civilized peoples, its purpose and scope are better understood, its provisions have been resorted to with success in cases of great difficulty, as in the settlement of the North Sea incident, and we now have a confident assurance that the tribunal which it has established will become of increasing importance in maintaining the peace of the world.

The interests that contribute to the promotion of the cause are ever broadening. Those of the wage earners are finding emphatic expression; commerce is keenly sensitive to disastrous interruptions by war, whether near or remote; the promoters of religion and philanthropy are alarmed at the hindrance of their work by every disturbance of international peace, and the sense of human brotherhood is increasingly felt and appreciated throughout the world. These signs of promise show that the long darkness of barbarism is passing away, and that the bright day of universal peace is dawning indeed.

We are highly gratified with the efforts of President Roosevelt in promoting the causes of international peace and justice, and we rejoice in his call for a second conference at The Hague. We confidently expect that many questions of international law that are now vague or undetermined will there find wise solution. We also hope that the conference will frame a general treaty of arbitration that may more effectively meet the requirements of the situation than any special treaties yet proposed have done; and we shall be gratified if the indefinite and elastic exceptions of matters of "national honor" and of "vital interests" shall be substantially modified. We earnestly hope that if such a treaty is proposed, the treaty-making authorities of our government will speedily effect its enactment for this country. We view the treaty now in force between the kingdoms of Denmark and the Netherlands as presenting the ideal toward which we are moving.

The evolution of the movement for universal peace clearly points to the early establishment of an international parliament, with at least advisory powers, as a necessary agency in its fulfillment, and we renew our declarations of last year in reference to this. We feel that it is not now expedient for this conference to pass any judgment upon the plans for the organization of such a parliament beyond the necessity of the representation of all civilized nations therein.

We heartily commend the work of the Interparliamentary Union and rejoice in the zeal and efficiency of the American group of its membership. We rejoice that so much strength has been given to the cause of international arbitration by the fact that no country has ever yet repudiated an arbitral award. We believe that the decrees of the international court will be best enforced by the power of public sentiment and by the fear of the loss of world respect on the part of any nation that refuses full compliance with any award that may be made.

The formation of public opinion is an important means for the promotion of every good cause, and we desire to encourage all agencies that will further the interests of international arbitration. Especially do we commend the awakening of the students of our universities and colleges in this important matter, as well as the instruction of all the children in our schools.

XII — 1906

The members of this conference, with great satisfaction, call attention to the steady progress which the world is making in the promotion of international arbitration.

They place on record their appreciation of the character and services of John Hay, the late Secretary of State, and acknowledge that to him lasting gratitude is due for the foresight, firmness, and wisdom with which, in his high official station, he upheld the principles which this conference has advocated.

They have heard with gratification that in many of the leading colleges and universities of this country the undergraduate students have been led to the study of methods by which justice may be secured among nations without resort to war.

This conference has welcomed to its proceedings the representatives of fifty chambers of commerce, boards of trade, and other

commercial organizations, and it urges upon them and other like institutions not now represented here to consider and act upon the measures which are from time to time proposed for the promotion of peace.

This conference regards the approaching assembling of a Pan-American Congress in Rio Janeiro as likely to promote mutual understanding and consequent good will among the states of North, Central, and South America.

At the present time it is important that public attention should be concentrated upon the Second Hague Conference soon to be assembled. We hope and believe that the beneficial results of the former conference will be equaled and perhaps surpassed by further deliberation, in the land of Grotius, upon the principles of international law and the best methods for the pacific settlement of international difficulties.

Especially we hope that the Second Hague Conference will elaborate and propose a plan by which like conferences may be held at stated periods, and that in the intervals appropriate offices may be maintained at The Hague, so that these conferences may become a permanent and recognized advisory congress of the nations.

A general arbitration treaty to be formulated by the Hague conference is most desirable and will doubtless be accepted by all or nearly all the countries represented in the conference.

Among other subjects of immediate importance the many unsettled questions arising out of maritime warfare, including the exemption of private property from seizure at sea and the neutralization of ocean routes, are respectfully commended to the consideration of the Hague conference.

As the general restriction of armaments can only be secured by concurrent international action, unanimously recommended by the British House of Commons, we earnestly hope that this subject will receive careful and favorable consideration.

While we shall welcome any action taken by the coming Hague conference in the way of clearly defining the rights and obligations of belligerents as to each other and as to neutrals, of lessening the horrors of war, and of giving increased stability and protection to the Red Cross movement, it is our hope that the conference will remember that it is consecrated to the great work of ending as well as softening war, and of subjecting the relations of nations to the dominion of law rather than force.

SUPPLEMENTARY RESOLUTION

Resolved, That the Twelfth Annual Lake Mohonk Conference on International Arbitration respectfully petitions President Roosevelt to instruct the delegates from the United States to the next Hague conference to urge that body to give favorable consideration to three measures which will greatly conduce to the peace and welfare of the world:

"A plan by which the Hague conference may become a permanent and recognized congress of the nations with advisory powers;

"A general arbitration treaty for the acceptance of all the nations;

"A plan for the restriction of armaments and, if possible, for their reduction by concurrent international action."

XIII — 1907

The Thirteenth Lake Mohonk Conference on International Arbitration recognizes with profound gratitude the development of those forces which are making for international peace through international justice. The promotion of intercourse, friendship, and amity among the nations, the organization of international bodies in commerce, science, and philanthropy, the demand for higher standards of international morality, are but preludes to greater harmony and unity among the peoples of the world.

We mention with satisfaction, among the events of the last twelve months, the holding of the Pan-American Congress; the visit of Secretary Root to the South American republics; the organization in the United States of a branch society for international conciliation; the international conference for the revision of the Geneva Convention of 1864; the holding at Washington of the first annual meeting of the American Society of International Law, organized in 1905 at the Mohonk conference, and the publication of its organ, the *American Journal of International Law;* the formation of the Japan Society, for the cultivation of friendly relations between Japan and the United States; the increasing disposition of nations to assist each other in time of famine and disaster; and the holding in New York of a National Arbitration and Peace Congress of far-reaching influence.

The meeting of the Second Hague Conference next month marks another epoch in the history of international development. We note with gratification that twenty-one American republics will participate therein. We urge as the most immediate and important action to be taken by this Second Hague Conference the following measures:

1. A provision for stated meetings of the Hague conference.

2. Such changes in the Hague Court as may be necessary to establish a definite judicial tribunal, always open for the adjudication of international questions.

3. A general arbitration treaty for the settlement of international disputes.

4. The establishment of the principle of the inviolability of innocent private property at sea in time of war.

5. A declaration to the effect that there should be no armed intervention for the collection of private claims when the debtor nation is willing to submit such claims to arbitration.

We commend, in accordance with our resolution of last year, the consideration by the Hague conference of a plan for the neutralization of ocean trade routes.

XIV — 1908

The Fourteenth Lake Mohonk Conference on International Arbitration recognizes with profound gratitude the continuous and conscious development of the forces which make for international peace through international justice. It especially approves and commends the work of the Second Hague Conference, which,

revising and perfecting the various conventions of the conference of 1899,

restricting the use of force in the collection of contract debts,

proclaiming unanimously the principle of obligatory arbitration,

establishing an international Court of Prize, and

declaring in favor of the establishment of a permanent court of arbitral justice,

measures a great and welcome advance toward the regulation of international relations upon the basis of justice, reason, and respect for law.

The Fourteenth Lake Mohonk Conference on International Arbitration notes with pleasure the existence of fifty and more treaties of

arbitration concluded within the past five years, and more especially the arbitration treaties concluded between the United States and France, Great Britain, Italy, Japan, Mexico, Switzerland, Holland, Norway, Sweden, Denmark, Portugal, and Spain. The conference therefore expresses the hope that the peaceful and judicial settlement of international difficulties by resort to courts of arbitration and of justice bids fair to become the rule of the future as it has been in a measure the enlightened practice of the immediate past.

The Fourteenth Lake Mohonk Conference on International Arbitration further commends the activity of our schools, colleges, universities, and the various professional, business, and labor organizations of the country by which and through which popular sentiment is created, trained, and directed, not merely to the maintenance of peace, but also, by the elimination of the ostensible causes of war by peaceful settlement, to the prevention of war itself.

Finally, the Fourteenth Lake Mohonk Conference on International Arbitration rejoices in the fact that the representation of all the civilized nations of the world in the Second Hague Conference, and the recommendation in its final act for a future conference, guarantee, for the future, conferences of international and permanent character capable of correcting the inequalities of international practice and of enacting a code of international law based upon justice and equity.

XV — 1909

The Fifteenth Annual Lake Mohonk Conference on International Arbitration, meeting on the tenth anniversary of the opening of the First Hague Conference, reviews with profound satisfaction the signal advance of the cause of international justice during the decade, a progress unexampled in any previous period in history. The memorable achievements of this period are at once an inspiration and an imperative call to renewed effort.

We urge upon our government, which has been so conspicuously and so honorably identified with the progressive policies of The Hague, prompt action toward perfecting the important measures there inaugurated and the complete development of the system of arbitration. We especially urge its early initiative in the establishment of the International Court of Arbitral Justice.

We further urge the negotiation of a general treaty of arbitration between all nations, and look forward with increasing hope to the day when treaties of arbitration shall provide for the reference to The Hague of all international differences not settled by regular diplomatic negotiation.

The clear logic of the Hague conventions prescribes the limitation and gradual reduction of the machinery of war by the nations parties to those conventions, corresponding to the development of the instrumentalities of law and justice for the settlement of international differences. The great armaments of the nations, whose intolerable burdens prompted the call to the First Hague Conference, have, during the decade, increased so portentously as to have now become, as recently declared by the British Foreign Secretary, a satire upon civilization. They fill the world with apprehension and alarm; they create an atmosphere unfavorable to the system of arbitration; and their drain upon the resources of the peoples has become so exhausting as to menace all national treasuries and disastrously check the social reforms and advances which the interests of humanity demand. It is the opinion of this conference that the time has arrived for carrying into effect the strongly expressed desire of the two peace conferences at The Hague, that the governments "examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets," and address themselves to the serious study of this pressing question. Accordingly we ask our government to consider whether the peculiar position which it occupies among the nations does not afford it a special opportunity to lead the way toward making these weighty declarations a basis of public and concerted action.

XVI — 1910

The Sixteenth Annual Lake Mohonk Conference on International Arbitration congratulates the people of the United States on the marked progress which the past year has witnessed in the age-long struggle for the substitution of the reign of law for the reign of force in international affairs. It notes with deep satisfaction the significant announcement of the Secretary of State that the proposed constitution of the International Court of Arbitral Justice, recommended to the powers in his identic circular note of October 18, 1909, has been

received with so much favor as to insure the establishment of such a court in the near future, and it pledges to the President and the Secretary of State the hearty support of the conference, and invokes the coöperation of men of good will everywhere in bringing this beneficent result to pass.

The conference has further noted with profound interest and satisfaction President Taft's recent declaration in favor of the submission to arbitration of all matters of difference between nations, without reservation of questions deemed to affect the national honor; and the conference expresses the earnest hope that the President and the Senate of the United States will give effect to this wise and farseeing declaration by entering upon the negotiation of general treaties of arbitration of this character at the earliest practicable moment.

The conference reaffirms its declaration of last year respecting the portentous growth of the military and naval establishments of the great powers, and calls renewed attention to the fact that the rapid development of the instrumentalities of law and justice for the settlement of international differences furnishes to the statesmanship of the civilized world the long-desired opportunity of limiting by agreement the further increase of armaments. The coming celebration of the one hundredth anniversary of the arrangement between Great Britain and the United States definitely limiting the naval force on the Great Lakes and the St. Lawrence to four hundred tons and four eighteen-pounders calls renewed attention to the continued menace to the peace of the world caused by the prevailing conditions, and emphasizes the fact, so well expressed by former President Roosevelt in his Christiania address, that, with "sincerity of purpose, the great powers of the world should find no insurmountable difficulty in reaching an agreement which would put an end to the present costly and growing extravagance of expenditure on naval armaments."

PRESIDENTS OF THE CONFERENCES

I. 1895. Mr. John B. Garrett
II. 1896. Hon. George F. Edmunds
III. 1897. Hon. George F. Edmunds
IV. 1898. Col. George E. Waring, Jr.
V. 1899. Hon. George F. Edmunds
VI. 1900. Hon. Charles Matteson
VII. 1901. Hon. John H. Stiness
VIII. 1902. Hon. John W. Foster
IX. 1903. Hon. John W. Foster
X. 1904. Hon. George Gray
XI. 1905. Hon. George Gray
XII. 1906. Hon. John W. Foster
XIII. 1907. Pres. Nicholas Murray Butler
XIV. 1908. Hon. John W. Foster
XV. 1909. Pres. Nicholas Murray Butler
XVI. 1910. Pres. Nicholas Murray Butler

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